

**AGENDA
BOARD OF SUPERVISORS
SONOMA COUNTY
575 ADMINISTRATION DRIVE, ROOM 102A
SANTA ROSA, CA 95403**

TUESDAY

OCTOBER 23, 2018

8:30 A.M.

(The regular afternoon session commences at 1:30 p.m.)

Susan Gorin	First District	Sheryl Bratton	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
James Gore	Fourth District		
Lynda Hopkins	Fifth District		

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Public Finance Authority, and as the governing board of all special districts having business on the agenda to be heard this date. Each of the foregoing entities is a separate and distinct legal entity.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

AGENDAS AND MATERIALS: Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

SUPPLEMENTAL MATERIALS: Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

DISABLED ACCOMMODATION: If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241 or bos@sonoma-county.org as soon as possible to ensure arrangements for accommodation.

Public Transit Access to the County Administration Center:

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62; Santa Rosa CityBus: Rt. 14; Golden Gate Transit: Rt. 80
For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>

APPROVAL OF THE CONSENT CALENDAR

The Consent Calendar includes routine financial and administrative actions that are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members request specific items be discussed and/or removed from the Consent Calendar. There will an opportunity for the public to comment on the consent calendar prior to it being voted upon.

PUBLIC COMMENT

Any member of the public may address the Board on a matter listed on the agenda. Commenters are requested to fill out a Speaker Card and to come forward to the podium when recognized by the Board Chair. Please state your name and limit your comments to the agenda item under discussion. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers.

LANGUAGE INTERPRETERS: Language services are available at all regular and special Board and Committee meetings if made at least 48 hours in advance of the meeting to help ensure availability. For more information or to request services: Contact (707) 565-2241.

AVISO EN ESPAÑOL: Los servicios de idiomas están disponibles en todas las reuniones regulares y reuniones especiales de la Junta, de los Comités, si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a (707) 565-2241.

**8:30 A.M. CALL TO ORDER
PLEDGE OF ALLEGIANCE**

I. APPROVAL OF THE AGENDA

(Items may be added or withdrawn from the agenda consistent with State law)

II. CONSENT CALENDAR

GENERAL SERVICES

AND

AGRICULTURAL PRESERVE AND OPEN SPACE DISTRICT/

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

- 1. Adopt an Ordinance Vacating Approval of the Chanate Campus Development and Disposition Agreement By Rescinding Ordinance No. 6205:
Adopt Ordinance No. 6246 Rescinding Ordinance No. 6205 and vacating the approval of the Development and Disposition Agreement to sell the Chanate Campus to Chanate Community Development Partners, LLC. (Second Reading- Ready for Adoption)

SONOMA COUNTY WATER AGENCY/

RUSSIAN RIVER COUNTY SANITATION DISTRICT

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

- 2. Maintenance of Electrical Distribution Lines:
In an effort to ensure safety and reliability of the distribution lines and to reduce the risk of fire, authorize Sonoma County Water Agency's General Manager acting on behalf of Russian River County Sanitation District to execute an agreement for as-needed inspection, maintenance, and emergency repair services for 12kV and 5kV electrical distribution lines with INTREN, LLC, through October 31, 2021, in the not-to-exceed amount of \$240,000. (Fourth and Fifth Districts)

HUMAN RESOURCES

AND

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

- 3. Memorandum of Understanding extension between the County of Sonoma and the Western Council of Engineers (WCE):
Adopt a Concurrent Resolution approving an extension to the Memorandum of Understanding (MOU) between the County of Sonoma and WCE for the period of July 1, 2018 through July 1, 2019.

COUNTY ADMINISTRATOR
AND
SONOMA VALLEY SANITATION DISTRICT

(Directors: Gorin, Gore, Agrimonti)

4. Fiscal Year 2018-19 First Quarter Budget Adjustments:
- A) Adopt a Concurrent Resolution adjusting the FY 2018-19 Budget Appropriations by \$69,967,397. (4/5th vote required)
 - B) Adopt a Resolution of the Sonoma Valley County Sanitation District adjusting the FY 2018-19 Budget by \$1,031,321 (2/3rd vote required)
(4/5th Vote required)((2/3rd Vote required SVSD)

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

5. Engineering Review of Development Plans:
In an ongoing effort to mitigate potential damage to Sonoma County Water Agency infrastructure, public health and safety, and the environment from new construction, authorize Sonoma County Water Agency's General Manager to execute an agreement with Coastland Civil Engineering, Inc., for engineering review of development plans through October 31, 2021, in the not-to-exceed amount of \$600,000.
6. Quagga and Zebra Mussel Inspection, Demonstration, and Training:
- A) Authorize Sonoma County Water Agency's General Manager to execute the First Amended Agreement for Quagga and Zebra Mussel Inspection and Training with Dogs With Jobs, LLC to continue providing quagga and zebra mussel inspection, demonstration, training, and related services increasing the amount by \$125,000 for a new not-to-exceed agreement total of \$355,000 with no change to end date of December 31, 2019.
 - B) Adopt a resolution authorizing adjustments to the Sonoma County Water Agency's Fiscal Year 2018/2019 adopted budget for the Russian River Projects in the amount of \$125,000 for the quagga and zebra mussel inspection and training.
(Fourth District)(4/5th Vote Required)

COMMUNITY DEVELOPMENT COMMISSION

(Commissioners: Gorin, Rabbitt, Zane, Gore, Hopkins)

7. Housing Authority Program and Service Delivery Enhancements
- A) Approve amendment to the Housing Authority Administrative Plan
 - B) Authorize the Executive Director of the Sonoma County Community Development Commission (SCCDC) to execute a Professional Services Agreement with NMA Inspection Services, LLC to perform inspections of rental housing units assisted under the Commission's programs for a term of November 1, 2018, through October 31, 2020, with three one-year renewal options. Plan.

AUDITOR- CONTROLLER-TREASURER-TAX COLLECTOR

8. Resolution Designating of Applicant’s Agent for Cal OES:
Adopt resolution designating the County Administrator, the Auditor-Controller-Treasurer-Tax Collector and the ACTTC Client Accounting Manager as authorized agents of the County of Sonoma for Cal OES (State of California Governor’s Office of Emergency Services) public assistance grants.

BOARD OF SUPERVISORS

9. Disbursement of Neighborhood Improvement Funds from the Cal American Franchise Tax Fee:
Adopt a resolution authorizing budgetary adjustments to the Fiscal Year 2018-19 Final Budget for the Transportation and Public Works department. The requested budget adjustment of \$18,400 will provide appropriations for the Neighborhood Improvement Program in the Mark West, Larkfield, Wikiup, and Fulton area. The funding source for the request is the Cal-Am Franchise Fees fund (10056). (Fourth District) (4/5th Vote Required)
10. California State Association of Counties Board of Directors Assignment:
Nominate Supervisor James Gore as the Board’s primary appointment to the California State Association of Counties Board of Directors and Supervisor Susan Gorin as the alternate.
11. Statewide Ballot Measures:
Consider taking a formal position on statewide ballot measures: Proposition 1, Proposition 2, Proposition 5, and Proposition 6.

COUNTY ADMINISTRATOR/COUNTY COUNSEL

12. Amendment to Intergovernmental Mitigation Agreement with Federated Indians of Graton Rancheria:
Authorize the Chair to execute Amendment No. 1 to the 2012 Intergovernmental Mitigation Agreement with the Federated Indians of Graton Rancheria including the enforcement of Mitigation Measures identified in the Final Tribal Environmental Impact Report and dispute resolutions. (Second District)

COUNTY ADMINISTRATOR/ FIRE AND EMERGENCY SERVICES

13. Extend Proclamation of Local Emergency Due to Sonoma Complex Fire:
Adopt a Resolution Extending the Proclamation of Local Emergency Issued on October 9, 2017, for another 30 Days Due to Damage Arising from the Complex Fire. (4/5th Vote Required)
14. Recovery Update:
Receive update on the status of recovery operations, planning, seeking of funding opportunities, community engagement and status of recovery framework.

DISTRICT ATTORNEY'S OFFICE

15. District Attorney 2018-19 Automobile Insurance Fraud Program:
Adopt a resolution authorizing the District Attorney to execute the grant agreement with the California Department of Insurance to participate in the Automobile Insurance Fraud Program and accept \$55,479 in grant funding for the term July 1, 2018 through June 30, 2019. The objective of this grant is to protect public safety resulting from criminal enterprises staging traffic collisions and vendors providing faulty vehicle repairs and placing dangerous and unsafe vehicles back on the road.
16. District Attorney 2018-19 Workers' Compensation Insurance Fraud Investigation Program:
Adopt a resolution authorizing the District Attorney to execute the grant agreement with the California Department of Insurance to participate in the Workers' Compensation Insurance Fraud Investigation Program and accept \$98,457 in grant funding for the term July 1, 2018 through June 30, 2019. The objective of this grant is to uncover fraud within the community that harms workers and businesses, and prosecute those who perpetrate such crimes.
17. District Attorney's Homeless Victims of Crime Program:
Execute a contract with the California Governor's Office of Emergency Services for the Outreach and Services to Homeless Victims of Crime Grant Program.
- A) Adopt a resolution authorizing the District Attorney to execute a contract with the California Governor's Office of Emergency Services to accept additional funding and extend the term of the original grant for direct services revenue in the amount of \$380,979 through December 31, 2019.
- B) Adopt a resolution extending the 1.0 FTE Administrative Aide-Time Limited position through December 31, 2019 to continue to support this program.
- The objective of the Outreach and Services to Homeless Victims of Crime program is to provide advocacy, case management and prosecution to the most vulnerable in Sonoma County, disabled homeless victims of crime.
(4/5th Vote Required)

FIRE AND EMERGENCY SERVICES

18. Fire Services Project Update:
A) Accept an update on the Fire Services Project.
B) Authorize the Interim Director of Fire and Emergency Services to Enter into an Agreement with the fire agencies listed in Attachment 1 to maintain existing service levels.
19. Vegetation Management Inspection Agreements with Fire Protection Districts Enforcing County Ordinance No. 6148, Abatement of Hazardous Vegetation and Combustible Materials:
Authorize the Director of Fire and Emergency Services to enter into agreements with local Fire Protection Districts to implement a Vegetation Management Inspection Program in partnership with the Sonoma County Fire Prevention Division to reduce vegetation fuel loads and enhance public safety. The program will be active for a term of one year, as funding permits, not-to-exceed \$500,000 in Fiscal Year 2018-19; any remaining funds to carry over to Fiscal Year 2019-20.

GENERAL SERVICES/HEALTH SERVICES

20. Lease Amendment for Department of Health Services at 490 Mendocino Avenue, Santa Rosa: Authorize the Clerk to publish a notice, declaring the Board's intention to execute a Lease Amendment with 490 MENDOCINO T.I.C (Landlord), for office space at 490 Mendocino Avenue, Suites 101, 102, 103, Santa Rosa; to extend the lease for a six month period to expire May 31, 2019, at a rental rate of \$21,760.90 per month (\$2.27per sq. ft.), to allow the Department of Health Services' Health Policy, Planning and Evaluation Unit (HPPE) to continue uninterrupted operations on the Premises while it waits for tenant improvements to be completed at its future location at 1450 Neotomas Avenue, Santa Rosa.

HUMAN RESOURCES

21. Memorandum of Understanding extension between the County of Sonoma and the Engineers and Scientists of California, Local 20 (ESC).
Adopt a Resolution approving an extension to the Memorandum of Understanding (MOU) between the County of Sonoma and Engineers and Scientists of California, Local 20 (ESC) for the period of October 23, 2018 through March 26, 2019.

PERMIT AND RESOURCE MANAGEMENT

22. Land Conservation Act Contract Replacement; Zane Holdings LLC:
Adopt a Resolution to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with an Open Space (Type II) Land Conservation Act contract for an 80 acre property located at 9685 Dry Creek Rd., Healdsburg; APN 139-060-030; Permit Sonoma File No. AGP17-0010; Supervisorial District 4. (Fourth District)
23. Land Conservation Act Contract Replacement; Zane Holdings LLC:
Adopt a Resolution to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with an Open Space (Type II) Land Conservation Act contract for 107.87 acre property located at 9695 Dry Creek Rd., Healdsburg; APN 139-060-032; Permit Sonoma File No. AGP17-0016; Supervisorial District 4. (Fourth District)

PROBATION

24. The Keeping Kids in School Initiative:
Authorize the Chief Probation Officer to enter into Memorandum of Understanding agreements with Healdsburg Unified School District and Windsor Unified School District to receive Keeping Kids in School program services through June 30, 2020.
25. Noble Software Group, LLC, Software License and Services Agreement:
Authorize the Chief Probation Officer to execute an agreement with Noble Software Group, LLC, to provide validated assessment tools, a web-based, fully-integrated software application, software maintenance and training for the period of October 23, 2018 to October 22, 2021, with two one-year renewal options, in a total amount not to exceed \$346,181.

PUBLIC DEFENDER

26. Approval of Capital Case Contract and Related Budgetary Adjustments:
- A) Authorize the Law Offices of the Public Defender to enter into a contract with The Law Office of Eric Multhaup to provide Keenan Counsel Capital Case Mitigation services for a not to exceed amount of \$250,000 necessary to cover the capital case expenses per Penal Code 987.9 through June 30, 2020.
 - B) Authorize the Law Offices of the Public Defender to enter into a contract with L. Page Investigations & Mitigation, LLC to provide Mitigation Investigation services for a not to exceed amount of \$150,000 necessary to cover the capital case expenses per Penal Code 987.9 through June 30, 2020.
 - C) Authorize the use of Contingencies and Adopt a Budget Resolution increasing the FY18-19 adopted budget in the amount of \$940,000 to cover \$400,000 in contract costs and \$540,000 for the costs of an Extra-Help Attorney, an Extra Help Investigator and costs associated with discovery and other related case expenses.
- (4/5th Vote Required)

REGIONAL PARKS

27. Regional Parks Day Use Fee Waiver to Honor Veterans:
Approve waiver of day use fees throughout Sonoma County Regional Parks system for eligible military personnel and dependents for Veterans Day weekend, starting on Friday, November 9, 2018 through Monday, November 12, 2018.

SHERIFF'S OFFICE

28. Involuntary Medication, California Penal Code Section 2603:
Designate the Sonoma County Sheriff's Office as the department who may administer involuntary medication to inmates in the jail on a non-emergency basis pursuant to California Penal Code Section 2603. The Sheriff's Office is requesting this designation to improve care for mentally ill inmates and to help mitigate distressing situations that may cause danger to inmates and correctional staff. If approved, the Sheriff's Office will be able to apply to the Superior Court for an order allowing the administration of involuntary medication to inmates, as specified in Penal Code Section 2603.

TRANSPORTATION AND PUBLIC WORKS

29. 2018 Hazard Tree Removal Project – Road Right-of-Way Trees, Project # M11719:
Approve and authorize the Chair to execute an agreement for construction inspection services with Coastland Civil Engineering Inc. for the 2018 Hazard Tree Removal Project – Road Right-of-Way Trees, Project # M11719, for an amount not to exceed \$205,025 including a \$50,000 contingency. This agreement is for a term ending June 30, 2019. (First and Fourth Districts)

APPOINTMENTS/REAPPOINTMENTS

- 30. Approve the Appointment of Kevin Howe to the Sonoma County Fair Board (First District), effective October 23, 2018 and expiring at the pleasure of the Board. (First District)
- 31. Adopt a Resolution approving the appointment of members to the Sonoma County Tobacco Securitization Corporation. (Auditor-Controller-Treasurer-Tax Collector)
- 32. Appointments and Reappointments to the Sonoma County Workforce Investment Board (WIB):
 - A) Approve the appointment of Nancy Emanuele and David Tam to the Sonoma County Workforce Investment Board for a one-year term beginning October 23, 2018, and ending October 23, 2019.
 - B) Approve the re-appointment of Ananda Sweet and David Wayte to the Sonoma County Workforce Investment Board for a two-year term beginning October 23, 2018, and ending October 23, 2020.
(Human Services)
- 33. Upstream Investments Portfolio Review Committee Appointments & Reappointments
 - A) Approve the appointments of new Upstream Investments Portfolio Review Committee members Kathryn Pack, Mary Watts, Ariana Diaz de Leon, Nicollette Weinzev and Cynthia King to serve an initial two-year term beginning on October 23, 2018, and ending on October 22, 2020.
 - B) Approve the re-appointments of current Upstream Investments Portfolio Review Committee members Alison Lobb, Liz Parra, Renée Alger, Carlos Ayala and B.J. Bischoff for an additional one-year term beginning on October 23, 2018, and ending on October 22, 2019.
(Human Services)

PRESENTATIONS/GOLD RESOLUTIONS

PRESENTATION ON A DIFFERENT DATE

- 34. Adopt a resolution honoring November 11, 2018 as “Veterans Day” in Sonoma County.
(Human Services)

III. 8:45 A.M. - PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD AND ON BOARD MEMBER REPORTS

(Comments are restricted to matters within the Board’s jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Each person is usually granted time to speak at the discretion of the Chair. Any additional public comments will be heard at the conclusion of the meeting. While members of the public are welcome to address the Board, under the Brown Act, Board members may not deliberate or take action on items not on the agenda.)

IV. REGULAR CALENDAR

BOARD OF SUPERVISORS

35. Informational Presentation: Committee to House the Bay Area (CASA):
Receive informational presentation by the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) regarding the CASA Compact. (Informational Only)

PERMIT AND RESOURCE MANAGEMENT

36. **9:15 A.M.** - Zoning Code Changes to Expand Housing Opportunities:
Hold a public hearing, adopt the Negative Declaration, and adopt the ordinance making changes to Chapter 26 of the Sonoma County Code (Zoning) to expand opportunities for housing.

V. PUBLIC COMMENT ON CLOSED SESSION ITEMS

VI. CLOSED SESSION CALENDAR

37. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation - *County of Sonoma v. Philip Thomas Wheeler*, SCV 234234 - 9214 Rio Dell Ct., Forestville – District 5
(Government Code Section 54956.9(d)(1).)
38. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation - *County of Sonoma v. Fields of the Wood Church*, SCV 257212 - 1080, 1122, 1150 and 1196 Liberty Road, Petaluma - District 2
(Government Code Section 54956.9(d)(1).)
39. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation - *County of Sonoma v. James Quail*, SCV 256085 - 3574 Brooks Ave., 423 & 427 Ward Ave. Santa Rosa, District 3
(Government Code Section 54956.9(d)(1).)
40. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation - *County of Sonoma v. William Tinker*, 18446 & 18450 First Ave., Boyes Hot Springs – District 1
(Government Code Section 54956.9(d)(1).)
41. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – *County of Sonoma v. Celeste Baker Mendiboure Estate, et al., Paul Joseph Mendiboure, Pierre Jean Mendiboure, Rene Adrian Mendiboure, and Does 1 to 20, inclusive*, SCV 254612 - 2706 Victoria Drive, Santa Rosa, District 5
(Government Code Section 54956.9(d)(1).)
42. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – *County of Sonoma v. George Goulart.*, *Sonoma County Superior Court Case No. SCV 245028* – 4135 Bodega Ave., Petaluma – District 2
(Government Code Section 54956.9(d)(1).)

43. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel – Existing Litigation – *County of Sonoma v. Stephen Palka*, Case No. SCV 261970 - 17632 Neeley Road, Guerneville – District 5
(Government Code Section 54956.9(d)(1).)
44. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel “ Anticipated Litigation. Significant exposure to litigation and potential initiation of litigation pursuant to Government Code Sections 54956.9(d)(2) & (4). 1 case. Re: Code Enforcement matter re: property at 3062 Adobe Rd., Petaluma; APN 017-070-023; District 2.
45. The Board of Supervisors, the Board of Directors of the Water Agency, the Board Commissioners of the Community Development Commission, and the Board of Directors of The Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Labor Negotiators: Christina Cramer/Carol Allen, County of Sonoma, and Rick Bolanos/Heather Coffman, Liebert Cassidy & Whitmore. Employee Organizations: All. Unrepresented employees: All, including retired employees. (Government Code section 54957.6).

VII. REGULAR AFTERNOON CALENDAR

46. **RECONVENE FROM CLOSED SESSION**
47. **REPORT ON CLOSED SESSION**

PERMIT AND RESOURCE MANAGEMENT

48. **2:00 P.M.** - Appeal of a Use Permit and Design Review for a winery and public tasting room with agricultural promotional and industry wide events (Hale Winery). Andrew Dieden, Appellant. PRMD File No. PLP05-0062:
Hold a public hearing and at the conclusion of the hearing, adopt a resolution denying the appeal and upholding the Board of Zoning Adjustments’ approval of a previously approved Use Permit and Design Review for Hale Winery with a 25,000 case maximum annual production capacity, a public tasting room, a storage barn, 12 agricultural promotional events, and eight industry-wide total event days on 40 acres, located at 4304 Dry Creek Road, Healdsburg. (Fourth District)
49. **3:30 P.M.** - Amendments to Sonoma County Code Chapter 40 to Temporarily Prevent Establishment of New Vacation Rentals Within the Sonoma Complex Fire Perimeter:
A) Find that adoption of the proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), and
B) Adopt the proposed ordinance.
(First and Fourth Districts)

VIII. BOARD MEMBER REPORTS ON ASSIGNED BOARDS, COUNCILS, COMMISSIONS OR OTHER ATTENDED MEETINGS

50. Permit and Resource Management Department: Review and possible action on the following:
Acts and Determinations of Planning Commission/Board of Zoning Adjustments
Acts and Determinations of Project Review and Advisory Committee
Acts and Determinations of Design Review Committee
Acts and Determinations of Landmarks Commission
Administrative Determinations of the Director of Permit and Resource Management
(All materials related to these actions and determinations can be reviewed at:
<http://www.sonoma-county.org/prmd/b-c/index.htm>)

51. **ADJOURNMENT**

NOTE: The next meeting will be a Special Closed Session held on October 30, 2018 at 8:30 a.m.

The next Regular meeting will be held on November 13, 2018, at 8:30 a.m.

Upcoming Hearings (All dates are tentative until each agenda is finalized)

November 13, 2018 – PRMD - PLP16-0011 Farm Stays, Hosted Rentals & Marketing Accommodations in LIA, LEA and DA.

BOARD OF SUPERVISORS

AGENDA ADDENDUM

OCTOBER 23, 2018

CONSENT CALENDAR

THE FOLLOWING ITEM IS BEING ADDED TO THE CONSENT CALENDAR:

HUMAN RESOURCES

AND

**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT/
SONOMA COUNTY WATER AGENCY**

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

AND

COMMUNITY DEVELOPMENT COMMISSION

(Commissioners: Gorin, Rabbitt, Zane, Gore, Hopkins)

- 34a. Side Letter to the Memorandum of Understanding between the County of Sonoma and Service Employees' International Union, Local 1021:
Adopt a Concurrent Resolution approving a Side-Letter Agreement between the County of Sonoma and
the Service Employees' International Union Local 1021.

THE FOLLOWING ITEM IS BEING REMOVED FROM THE CONSENT CALENDAR:

COUNTY ADMINISTRATOR/COUNTY COUNSEL

12. Amendment to Intergovernmental Mitigation Agreement with Federated Indians of Graton Rancheria:
Authorize the Chair to execute Amendment No. 1 to the 2012 Intergovernmental Mitigation Agreement with the Federated Indians of Graton Rancheria including the enforcement of Mitigation Measures identified in the Final Tribal Environmental Impact Report and dispute resolutions. (Second District)



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 1
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors, Board of Directors of the Sonoma County Agricultural Preserve and Open Space District and the Board of Directors of the Sonoma County Water Agency

Board Agenda Date: October 23, 2018

Vote 4/5
Requirement:

Department or Agency Name(s): County of Sonoma; Sonoma County Agricultural Preserve and Open Space District; Sonoma County Water Agency

Staff Name and Phone Number:

Caroline Judy, Director, General Services 565-2550
Robert Pittman, Assistant County Counsel 565-2421

Supervisorial District(s):

All

Title: Adopt an Ordinance Vacating Approval of the Chanate Campus Development and Disposition Agreement By Rescinding Ordinance No. 6205.

Recommended Actions:

Adopt Ordinance No. 6246 Rescinding Ordinance No. 6205 and vacating the approval of the Development and Disposition Agreement to sell the Chanate Campus to Chanate Community Development Partners, LLC.

Executive Summary:

The purpose of Ordinance No. 6246 is to rescind Ordinance No. 6205—which approved the Development and Disposition Agreement (DDA) for the Sale of the Chanate Campus—in order to comply with the Court’s order in *Friends of Chanate v. County of Sonoma, Chanate Community Development Partners, LLC*, SCV-261103. The Superior Court directed the Boards of Supervisors and the Boards of Directors for the Ag + Open Space District and the Water Agency to vacate their decision approving the DDA. At your October 9, 2018 meeting, the Board adopted a resolution introducing, reading the title of, and waiving further reading of Ordinance No. 6246.

Discussion:

Background:

On July 11, 2017, the Board adopted Ordinance No. 6205 authorizing the Development and Disposition Agreement (“DDA”) to sell 81.56 acres of land known as the Chanate Campus to Chanate Community Development Partners, LLC (“Developer”). The approval of the DDA was the culmination of more than

three years of planning efforts by the Facilities Ad Hoc Committee to find the best option for repurposing the functionally obsolete and seismically unsound Chanate campus.

The DDA would yield the following public benefits: (1) a purchase price of up to \$12 million (depending on the total number of units approved by the City of Santa Rosa); (2) a significant affordable housing component requiring 20-percent of all residential units be rented and occupied by very-low income households for a period of not less than 55 years; (3) up to 860 residential units, including up to 250 units for senior households and 60 units for veterans; and (4) a variety of public improvements including trails, public recreation areas, and an amphitheater.

On August 9, 2017, a group known as Friends of Chanate (“Petitioners”) filed a legal challenge to the approval of the DDA. Petitioners challenged the DDA on three grounds: (1) the sale constituted an impermissible gift of public funds; (2) the Board of Supervisors violated the Brown Act by meeting in closed session to discuss the DDA; and (3) the Board of Supervisors failed to comply with the California Environmental Quality Act (CEQA) in approving the DDA.

Court’s Order:

Trial on the action was held on July 20, 2018. The Court found in favor of the County and Developer as to the alleged violations of the Brown Act and Constitutional Gift of Public Funds Claims. However, the Court sustained Petitioner’s CEQA challenge and ordered the County to vacate its decision approving DDA for failure to conduct environmental review before approving the DDA. Complying with the Court’s order requires the Board to rescind Ordinance No. 6205. At your October 9, 2018 meeting, your Board adopted a resolution introducing Ordinance No. 6246 to rescind Ordinance No. 6205 and vacate the approval of the DDA.

Recommendation:

Adopt Ordinance No. 6246 rescinding Ordinance No. 6205, thereby vacating the approval of the DDA.

Prior Board Actions:

October 9, 2018—Adopted a resolution introducing, reading the title of, and waiving further reading of a proposed ordinance rescinding Ordinance No. 6205.

June 20, 2017 – Ordinance No. 6205 introduced; adopted on July 11, 2017.

Strategic Plan Alignment Goal 3: Invest in the Future

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Related Items “On File” with the Clerk of the Board:			

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA (COUNTY), THE BOARD OF DIRECTORS OF THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT (DISTRICT), AND THE BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY (WATER AGENCY) RESCINDING AND VACATING ORDINANCE NO. 6205, PREVIOUSLY ADOPTED ON JULY 11, 2017, AS ORDERED BY THE SUPERIOR COURT IN SONOMA COUNTY COURT CASE NO. SCV-261103

The Board of Supervisors of the County of Sonoma, State of California (County), and the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District (District), and the Board of Directors of the Sonoma County Water Agency (Agency) (collectively, the Boards) ordain as follows:

Section I. Findings. The Boards declare:

- A. On June 20, 2017, the Boards introduced Ordinance No. 6205 to, among other things, approve a Disposition and Development Agreement (DDA) between the County of Sonoma and Chanate Community Development Partners, LLC, to authorize the sale of 82-acres of County-owned land commonly known as the Chanate Campus.
- B. On July 11, 2017, following a second reading, the Boards adopted Ordinance No. 6205.
- C. On August 9, 2017, a group known as the Friends of Chanate filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against the County of Sonoma and Chanate Community Development Partners, LLC—as Real Party in Interest—in the Sonoma County Superior Court (Case No. SCV-261103). Case No. SCV-26113 asserted three causes of action against the County and Real Party in Interest: (1) the Boards violated the Brown Act by meeting in closed session to discuss the DDA; (2) the Boards failed to comply with the California Environmental Quality Act (CEQA) in approving the DDA; and (3) the sale constituted an impermissible gift of public funds.
- D. Following trial in Case No. SCV-261103, the Court denied relief to Petitioner on the First and Third Causes of Action (alleged violations of the Brown Act and alleged Gift of Public Funds) but granted relief on the Second Cause of Action (CEQA). The Court issued a peremptory writ of mandate and ordered the County to vacate its decision approving the DDA.
- E. In order to comply with the Court’s Judgment in SCV-261103, the Boards intend to vacate their decision approving the DDA by rescinding Ordinance No. 6205.

Section II. Rescission. Ordinance No. 6205, adopted July 11, 2017, is hereby rescinded and nullified in its entirety.

Section III. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors/Board of Directors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IV. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 9th day of October, 2018, and finally passed and adopted this 23rd day of October, 2018, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ___ Rabbitt: ___ Zane: ___ Hopkins: ___ Gore: ___

Ayes: _____ Noes: _____ Absent: _____ Abstain: _____

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 2
(This Section for use by Clerk of the Board Only.)

To: Boards of Directors, Sonoma County Water Agency and Russian River County Sanitation District

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Water Agency

Staff Name and Phone Number:

Anjenette Hayre / 521-1830

Supervisory District(s):

Fourth and Fifth

Title: Maintenance of Electrical Distribution Lines

Recommended Actions:

In an effort to ensure safety and reliability of the distribution lines and to reduce the risk of fire, authorize Sonoma County Water Agency's General Manager acting on behalf of Russian River County Sanitation District to execute an agreement for as-needed inspection, maintenance, and emergency repair services for 12kV and 5kV electrical distribution lines with INTREN, LLC, through October 31, 2021, in the not-to-exceed amount of \$240,000.

Executive Summary:

Overhead electrical lines at Sonoma County Water Agency (Sonoma Water) and Russian River County Sanitation District (District) facilities deliver power needed for water production and operation of wastewater lift stations. The lines require regular inspection and maintenance to ensure safety, reduce the risk of fire, and provide uninterrupted water delivery to 600,000 customers in Sonoma and northern Marin counties. Sonoma Water contracts for these services. This item requests approval of an agreement with INTREN, LLC to provide inspection, maintenance, and emergency services for these power lines on an as-needed basis.

Discussion:

HISTORY OF ITEM/BACKGROUND

Sonoma County Water Agency (Sonoma Water) provides high quality drinking water to over 600,000 people in Sonoma and northern Marin counties. The 12kV power lines located at the Russian River Pumping Plant Facilities provide Sonoma Water with the power source required to deliver water to its customers. The 12kV power lines located at Warm Springs Dam Hydroelectric Plant are used to deliver the power generated from the hydroelectric facility to PG&E's interconnection point. The power lines located at Russian River County Sanitation District (District) supplies power to operate various lift stations. Sonoma Water and District own a total of approximately five miles of power lines.

Having services for routine inspections, maintenance, developing recommendations, repairs, and emergency services ensures that the power systems are safe and reduce the risk that Sonoma Water's water production and District's wastewater facilities will lose power. Sonoma Water does not have the expertise and resources to conduct this work with in-house staff in a timely manner due to the specialized nature of the work and lack of available staff in Sonoma Water's Operations Division. Therefore, Sonoma Water contracts for these services.

Sonoma Water operates District under contract with District.

SELECTION PROCESS

On October 31, 2016, Sonoma Water issued a Request for Statements of Qualifications to the following ten firms:

1. Cal Electro, Inc., Redding CA
2. Contra Costa Electric, Inc., Benicia, CA
3. Diversified Utility Services, Inc., Bakersfield, CA
4. Hampton Tedder Electric, Montclair, CA
5. Hot Line Construction, Inc., Brentwood, CA
6. ILB/International Line Builders, Inc., West Sacramento, CA
7. INTREN, LLC, Concord, CA
8. PAR Electrical Contractors, Inc., Reno, NV
9. Pinnacle Power Services, Vallejo, CA
10. Vince Sigal Electric, Inc., Santa Rosa, CA

The Request for Statements of Qualifications was also posted on Sonoma Water and County of Sonoma Purchasing Department websites.

The following four firms submitted Statements of Qualifications and were determined to be qualified:

1. Cal Electro, Inc.
2. Contra Costa Electric, Inc.
3. INTREN, LLC
4. Vince Sigal Electric, Inc.

The following criteria were used to evaluate each firm:

- 1) Thoroughness of the Statement of Qualifications
- 2) Professional qualifications and demonstrated ability to perform the work
- 3) Rates
- 4) Exceptions to standard terms in the sample agreement

Service Provider was selected for the subject agreement because, in addition to its qualifications, Service Provider has the ability to access poles that other providers are not able to reach for repairs.

SERVICES TO BE PERFORMED

Under the proposed agreement, Service Provider will provide as-needed inspection, maintenance, and emergency services for 12kV and 5kV electrical distribution lines. The cost of services will not exceed \$240,000, and the term end date is October 31, 2021.

RECOMMENDATION

Sonoma Water and District staff recommend that the Board authorize Sonoma Water's General Manager acting on behalf of Sonoma Water and District to execute an agreement for as-needed inspection, maintenance, and emergency services for 12kV and 5kV electrical distribution lines with INTREN, LLC, to ensure safety and reliability of the distribution lines, and to reduce the risk of fire.

Prior Board Actions:

None

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Community members have access to clean water.

Sonoma Water Strategic Plan Alignment

Water Supply and Transmission System, Goal 2: Maintain and improve the reliability of the Water Transmission System.

Assess, maintain and upgrade Water Transmission System infrastructure.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$80,000	\$80,000	\$80,000
Additional Appropriation Requested			
Total Expenditures	\$80,000	\$80,000	\$80,000
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$80,000	\$80,000	\$80,000
Use of Fund Balance			
Contingencies			
Total Sources	\$80,000	\$80,000	\$80,000

Narrative Explanation of Fiscal Impacts:

Budgeted amount of \$80,000 is available from FY 2018/2019 appropriations for the Warm Springs Dam, Water Transmission, and Russian River County Sanitation District funds. FY 2019/2020 and FY 2020/2021 appropriations will be budgeted in those fiscal years.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
N/A			
Narrative Explanation of Staffing Impacts (If Required):			
N/A			
Attachments:			
Agreement			
Related Items “On File” with the Clerk of the Board:			
None			

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CF/0-0-21 Intren, Inc. (Agree for As-Needed Inspection, Maintenance, and Emergency Services for 12kV Electrical Distribution Lines) 18/19-005 (ID 7060)

Agreement for As-Needed Inspection, Maintenance, and Emergency Services for Electrical Distribution Lines

This agreement (“Agreement”) is by and between **Sonoma County Water Agency and Russian River County Sanitation District** (collectively referred to as “Sonoma Water”) and **INTREN, LLC**, an Illinois limited liability company (“Service Provider”). The Effective Date of this Agreement is the date the Agreement is last signed by the parties to the Agreement, unless otherwise specified in Paragraph 7.1.

RECITALS

- A. Service Provider certifies that it is an Illinois company duly authorized to do business in the State of California, registered with the Secretary of State of California, and represents that it is duly qualified, licensed, and experienced in repair and maintenance of electrical distribution systems and related services.
- B. The 12kV distribution lines located at the Russian River Pumping Plant facility provide Sonoma Water with the power source required to deliver water to its customers.
- C. The 12kV distribution lines located at the Warm Springs Dam Hydroelectric Plant facility are used to deliver the power generated from the hydroelectric plant to PG&E’s interconnection point.
- D. The 5kV distribution lines located at the Russian River Treatment Plant facility provides power source to wastewater lift stations required to transport water to the Russian River Treatment Plant.
- E. It is necessary to employ Service Provider to ensure electrical service reliability for these and other distribution lines.
- F. Sonoma County Water Agency operates the Russian River County Sanitation District (“District”) under contract with District. References to District employees are understood to be Sonoma County Water Agency employees acting on behalf of the District.

In consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1. RECITALS

- 1.1. The above recitals are true and correct.

2. LIST OF EXHIBITS

- 2.1. The following exhibits are attached hereto and incorporated herein:
 - a. Exhibit A: Agreement Memorandum
 - b. Exhibit B: Scope of Work
 - c. Exhibit C: Schedule of Costs
 - d. Exhibit D: Insurance Requirements

3. SONOMA WATER'S REQUEST FOR SERVICES

- 3.1. *Initiation Conference:* Sonoma Water's Agreement Administrator, Anjenette Hayre, will initiate all requests for services through an Initiation Conference, which may be in person, by telephone, or by email. During the Initiation Conference, the Project Manager and Service Provider will establish and agree on the project information shown in Exhibit A (Agreement Memorandum).
- 3.2. *Agreement Memorandum:* Sonoma Water will prepare an Agreement Memorandum setting forth the terms for the subject project as established during the Initiation Conference. The Agreement Memorandum will be in the form as set forth in Exhibit A and will be executed by both parties prior to commencement of work.
- 3.3. *Amount of Work:* Sonoma Water does not guarantee a minimum or maximum amount of work. However, under no circumstances shall the amount of work (including materials) under any single Agreement Memorandum exceed \$40,000.

4. SCOPE OF SERVICES

- 4.1. *Service Provider's Specified Services:* Service Provider shall perform the services listed in Exhibit B (Scope of Work) or as requested in the Agreement Memorandum, within the times or by the dates provided in the Agreement Memorandum and pursuant to Article 11 (Prosecution of Work). Service Provider shall provide necessary manpower and equipment required to carry out the requested services in a professional and expeditious manner.
- 4.2. *Contact Information:*

Sonoma Water	Service Provider
Agreement Administrator: Anjenette Hayre 404 Aviation Boulevard Santa Rosa, CA 95403-9019 Phone: 707-521-1830 Email: Anjenette.Hayre@scwa.ca.gov	Contact: Jason Combs 1045 Detroit Avenue Concord, CA 94518 Phone: 925-798-5303 Email: JCombs@Intren.com cc: ContractSupport@intren.com for legal notices per Article 18

Remit invoices to:	Remit payments to:
Susan Bookmyer Same address as above or Email: susan.bookmyer@scwa.ca.gov	INTREN, LLC 18202 W. Union Road Union, IL 60180

- 4.3. *Cooperation with Sonoma Water:* Service Provider shall coordinate the work with the Project Manager named in the Agreement Memorandum.
- 4.4. *Performance Standard and Standard of Care:* Service Provider hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with the standards of a reasonable professional having specialized knowledge and expertise in the services provided under this Agreement and in accordance with all applicable federal, state and local laws, it being understood that acceptance of Service Provider’s work by Sonoma Water shall not operate as a waiver or release. Sonoma Water has relied upon the professional ability and training of Service Provider as a material inducement to enter into this Agreement. If Sonoma Water determines that any of Service Provider’s work is not in accordance with such level of competency and standard of care based on reasonable documented evidence, Sonoma Water, in its sole discretion, shall have the right to do any or all of the following: (a) require Service Provider to meet with Sonoma Water to review the quality of the work and resolve matters of concern; (b) require Service Provider to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 8 (Termination); or (d) pursue any and all other remedies at law or in equity.
- 4.5. *Assigned Personnel:*
- a. Service Provider shall assign only competent personnel to perform work hereunder. In the event that at any time Sonoma Water, in its sole discretion, desires the removal of any person or persons assigned by Service Provider to perform work hereunder, Service Provider shall remove such person or persons immediately upon receiving written notice from Sonoma Water.
 - b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by Sonoma Water to be key personnel whose services were a material inducement to Sonoma Water to enter into this Agreement, and without whose services Sonoma Water would not have entered into this Agreement. Service Provider shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of Sonoma Water.
 - c. Key personnel shall be as listed in the applicable Agreement Memorandum.
 - d. In the event that any of Service Provider’s personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness, or other factors outside of Service Provider’s control, Service

Provider shall be responsible for timely provision of adequately qualified replacements.

5. **SAFETY**

- 5.1. *Site Safety Officer.* Prior to commencement of work, Service Provider shall designate a Site Safety Officer (SSO) and alternate SSO for this work and shall provide the names, telephone and/or cellular/pager numbers of both SSOs to Project Manager. Both SSOs shall be employees of Service Provider.
- 5.2. *Safety Orders.* All work shall be performed in accordance with the California Code of Regulations (CCR) Title 8, Division 1, Chapter 4 - Industrial Safety Orders and all other applicable laws to ensure the safety of the public and those performing the work.
- 5.3. *Safety Plan and Program.*
 - a. *Scope:* Service Provider shall furnish a copy of an Injury and Illness Prevention Program (IIPP), and a Site-Specific Safety and Health Plan (SSHP), for this work. Service Provider shall also provide copies of applicable Material Safety Data Sheets and information regarding the SSO as described below. All plans, programs, and other information described herein shall be furnished to Sonoma Water's Project Manager prior to commencement of work.
 - b. *Injury and Illness Prevention Program:* Service Provider's IIPP shall conform with the General Industrial Safety Orders (CCR Title 8, Division 1, Chapter 4, Subchapter 7, Section 3203), and the California Labor Code (Section 6401.7).
 - c. *Site-Specific Safety and Health Plan and Monitoring:* The SSHP shall describe health and safety procedures to be implemented during all phases of work in order to ensure safety of the public and those performing the work. The SSHP shall be modeled after the guidelines for a SSHP listed in CCR Title 8, Division 1, Chapter 4, Subchapter 7, Section 5192, Item (b)(4).
 - d. *High Voltage Work Area:* Service Provider shall ensure that personnel working within the high voltage contract area are certified for high voltage electric line work as through an approved "State of California Division of Apprentices Standards" certification program and/or its equivalent in another state and/or its equivalent through a trade union such as the International Brotherhood of Electrical Workers (IBEW). Work shall conform to the California Division of Industrial Safety.

6. **PAYMENT**

- 6.1. *Total Costs:* Total costs under this Agreement shall not exceed \$240,000.
 - a. *Task Limit:* The amount of work (including materials) under any single Agreement Memorandum shall not exceed \$40,000, unless approved by County Counsel.

- 6.2. *Method of Payment:* Service Provider shall be paid in accordance with Exhibit C (Schedule of Costs). Billed hourly rates shall include all costs for overhead and any other charges, other than expenses specifically identified in Exhibit C. Expenses not expressly authorized by the Agreement shall not be reimbursed.
- 6.3. *Invoices:* Service Provider shall submit its bills in arrears on a monthly basis, based on work completed for the period, in a form approved by Sonoma Water. The bills shall show or include:
- a. Service Provider name
 - b. Name of Agreement
 - c. Sonoma Water's Project-Activity Code as listed in the applicable Agreement Memorandum.
 - d. Task performed with an itemized description of services rendered by date
 - e. Time in quarter hours devoted to the task
 - f. Hourly rate or rates of the persons performing the task
 - g. Summary of work performed by subconsultants, as described in Paragraph 17.4
 - h. List of reimbursable materials and expenses
 - i. Copies of receipts for reimbursable materials and expenses
- 6.4. *Timing of Payments:* Unless otherwise noted in this Agreement, payments shall be made within the normal course of Sonoma Water business after presentation of an invoice in a form approved by Sonoma Water for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by Sonoma Water.
- 6.5. *Taxes Withheld by Sonoma Water:*
- a. Pursuant to California Revenue and Taxation Code (R&TC) section 18662, Sonoma Water shall withhold seven percent of the income paid to Service Provider for services performed within the State of California under this Agreement, for payment and reporting to the California Franchise Tax Board, if Service Provider does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.
 - b. If Service Provider does not qualify, as described in Paragraph 6.5.a, Sonoma Water requires that a completed and signed Form 587 be provided by Service Provider in order for payments to be made. If Service Provider is qualified, as described in Paragraph 6.5.a, then Sonoma Water requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, Service Provider agrees to promptly notify Sonoma Water of any changes in the facts. Forms should be sent to Sonoma Water pursuant to

Article 18 (Method and Place of Giving Notice, Submitting Bills, and Making Payments) of this Agreement. To reduce the amount withheld, Service Provider has the option to provide Sonoma Water with either a full or partial waiver from the State of California.

6.1. *Funding:*

a. Funding for this Agreement is as follows:

<i>Current Fiscal Year</i>	<i>Budgeted Appropriation</i>
2018/2019	\$80,000
<i>Subsequent Fiscal Years</i>	<i>Planned Appropriation</i>
2019/2020	\$80,000
2020/2021	\$80,000

b. Availability of Funding in Subsequent Fiscal Years:

- i. Sonoma Water’s performance under this Agreement in subsequent years is contingent upon appropriation of funds by Sonoma Water’s Board of Directors. Sonoma Water shall have no liability under this Agreement if sufficient funds are not appropriated in subsequent fiscal years by Sonoma Water’s Board of Directors for the purpose of this Agreement.
- ii. If funding for this Agreement for any fiscal year is reduced or eliminated by Sonoma Water’s Board of Directors, Sonoma Water shall have the option to either terminate this Agreement in accordance with Article 8 (Termination) or offer an amendment to Service Provider to reflect the reduced amount.

7. TERM OF AGREEMENT AND COMMENCEMENT OF WORK

7.1. *Term of Agreement:* This Agreement shall remain in effect until depletion of the not-to-exceed amount listed in Paragraph 6.1, or until November 30, 2021, whichever occurs first, unless terminated earlier in accordance with the provisions of Article 8 (Termination).

7.2. *Commencement of Work:* Service Provider is authorized to proceed with work upon receipt of each fully executed Agreement Memorandum.

8. TERMINATION

8.1. *Authority to Terminate:* Sonoma Water’s right to terminate may be exercised by Sonoma County Water Agency’s General Manager.

8.2. *Termination Without Cause:* Notwithstanding any other provision of this Agreement, at any time and without cause, Sonoma Water shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Service Provider.

- 8.3. *Termination for Cause:* Notwithstanding any other provision of this Agreement, should Service Provider fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, Sonoma Water shall provide Service Provider with written notice allowing it the right to cure within a reasonable time frame and if Service Provider fails to cure, Sonoma Water may immediately terminate this Agreement by giving Service Provider written notice of such termination, stating the reason for termination.
- 8.4. *Delivery of Work Product and Final Payment Upon Termination:* In the event of termination, Service Provider, within 14 days following the date of termination, if requested by Sonoma Water shall deliver to Sonoma Water all reports, original drawings, graphics, plans, studies, and other data or documents, in whatever form or format, assembled or prepared by Service Provider or Service Provider's subcontractors, consultants, and other agents in connection with this Agreement subject to Paragraph 14.9 and shall submit to Sonoma Water an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.
- 8.5. *Payment Upon Termination:* Upon termination of this Agreement by Sonoma Water, Service Provider shall be entitled to receive as full payment for all services satisfactorily rendered and reimbursable expenses properly incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Service Provider bear to the total services otherwise required to be performed for such total payment; provided, however, that if services are to be paid on a per-hour or per-day basis, then Service Provider shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to termination multiplied by the applicable hourly or daily rate; and further provided, however, that if Sonoma Water terminates the Agreement for cause pursuant to Paragraph 8.3, Sonoma Water shall deduct from such amounts the amount of actual and direct damage, if any, sustained by Sonoma Water by virtue of the breach of the Agreement by Service Provider.

9. **INDEMNIFICATION**

- 9.1. Service Provider agrees to accept all responsibility for loss or damage to any person or entity, including Sonoma County Water Agency and Russian River County Sanitation District, to the extent caused by the negligent act or omission of Service Provider, and to indemnify and hold harmless Sonoma County Water Agency and Russian River County Sanitation District, their officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Service Provider, that arise out of, pertain to, or relate to Service Provider's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement, but only to the extent caused by the negligent

act or omission of Service Provider or its agents', employees', contractors', subcontractors', or invitees' negligent act or omission. Service Provider agrees to provide a defense for any claim or action brought against Sonoma County Water Agency or Russian River County Sanitation District based upon a claimed negligent act or omission by Service Provider or its agents', employees', contractors', subcontractors', or invitees'. Service Provider's obligations under this Article 9 apply whether or not there is concurrent or contributory negligence on the part of Sonoma County Water Agency or Russian River County Sanitation District, but shall not apply for or to the extent of any liability caused by the active negligence Sonoma County Water Agency or Russian River County Sanitation District. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Service Provider or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

10. INSURANCE

10.1. With respect to performance of work under this Agreement, Service Provider shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit D (Insurance Requirements).

11. PROSECUTION OF WORK

11.1. Performance of the services hereunder shall be completed within the time required within each Agreement Memorandum, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Service Provider's performance of this Agreement shall be extended by a number of days equal to the number of days Service Provider has been delayed.

11.2. When work is requested of Service Provider by Sonoma Water, all due diligence shall be exercised and the work accomplished without undue delay, within the performance time specified in the Agreement Memorandum(s).

12. EXTRA OR CHANGED WORK

12.1. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to the Agreement Memorandum or this Agreement, respectively, signed by both parties. Changes to lengthen time schedules or make minor modifications to the scope of work, which do not increase the amount paid under the Agreement, may be executed by Sonoma County Water Agency's General Manager in a form approved by County Counsel. The parties expressly recognize that Sonoma Water personnel are without authorization to order all other extra or changed work or waive Agreement requirements. Failure of Service Provider to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the

Agreement price or Agreement time due to such unauthorized work and thereafter Service Provider shall be entitled to no compensation whatsoever for the performance of such work. Service Provider further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of Sonoma Water.

13. CONTENT ONLINE ACCESSIBILITY

- 13.1. *Accessibility:* Sonoma Water policy requires that all documents that may be published to the Web meet accessibility standards to the greatest extent possible, and utilizing available existing technologies.
- 13.2. *Standards:* All consultants responsible for preparing content intended for use or publication on a Sonoma Water/County-managed or Sonoma Water/County-funded web site must comply with applicable federal accessibility standards established by 36 C.F.R. section 1194, pursuant to section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. section 794(d)), and Sonoma Water's Web Site Accessibility Policy located at <http://sonomacounty.ca.gov/Services/Web-Standards-and-Guidelines/>.
- 13.3. *Certification:* With each final receivable intended for public distribution (report, presentations posted to the Internet, public outreach materials), Service Provider shall include a descriptive summary describing how all deliverable documents were assessed for accessibility (e.g. Microsoft Word accessibility check; Adobe Acrobat accessibility check, or other commonly accepted compliance check).
- 13.4. *Alternate Format:* When it is strictly impossible due to the unavailability of technologies required to produce an accessible document, Service Provider shall identify the anticipated accessibility deficiency prior to commencement of any work to produce such deliverables. Service Provider agrees to cooperate with Sonoma Water staff in the development of alternate document formats to maximize the facilitative features of the impacted document(s); e.g., embedding the document with alt-tags that describe complex data/tables.
- 13.5. *Noncompliant Materials; Obligation to Cure:* Remediation of any materials that do not comply with Sonoma Water's Web Site Accessibility Policy shall be the responsibility of Service Provider. If Sonoma Water, in its sole and absolute discretion, determines that any deliverable intended for use or publication on any Sonoma Water/County-managed or Sonoma Water/County-funded Web site does not comply with Sonoma Water Accessibility Standards, Sonoma Water will promptly inform Service Provider in writing. Upon such notice, Service Provider shall, without charge to Sonoma Water, repair or replace the non-compliant materials within such period of time as specified by Sonoma Water in writing. If the required repair or replacement is not completed within the time specified, Sonoma Water shall have the right to do any or all of the following, without

prejudice to Sonoma Water's right to pursue any and all other remedies at law or in equity:

- a. Cancel any delivery or task order
- b. Terminate this Agreement pursuant to the provisions of Article 8 (Termination); and/or
- c. In the case of custom Electronic and Information Technology (EIT) developed by Service Provider for Sonoma Water, Sonoma Water may have any necessary changes or repairs performed by itself or by another contractor. In such event, Service Provider shall be liable for all expenses incurred by Sonoma Water in connection with such changes or repairs.

13.6. *Sonoma Water's Rights Reserved:* Notwithstanding the foregoing, Sonoma Water may accept deliverables that are not strictly compliant with Sonoma Water Accessibility Standards if Sonoma Water, in its sole and absolute discretion, determines that acceptance of such products or services is in Sonoma Water's best interest.

14. REPRESENTATIONS OF SERVICE PROVIDER

- 14.1. *Status of Service Provider:* The parties intend that Service Provider, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Service Provider is not to be considered an agent or employee of Sonoma Water and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits Sonoma Water provides its employees. In the event Sonoma Water exercises its right to terminate this Agreement pursuant to Article 8 (Termination), Service Provider expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.
- 14.2. *No Suspension or Debarment:* Service Provider warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Service Provider also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration.
- 14.3. *Taxes:* Service Provider agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Service Provider agrees to indemnify and hold Sonoma Water harmless from any liability which it may incur to the United States or to the State of California or to any other public entity as a consequence of Service Provider's failure to pay, when due, all such taxes and obligations. In case Sonoma Water is audited for compliance regarding any

withholding or other applicable taxes, Service Provider agrees to furnish Sonoma Water with proof of payment of taxes on these earnings.

- 14.4. *Records Maintenance:* Service Provider shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to Sonoma Water for inspection at any reasonable time. Service Provider shall maintain such records for a period of four (4) years following completion of work hereunder.
- 14.5. *Conflict of Interest:* Service Provider covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Service Provider further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if required by law or requested to do so by Sonoma Water, Service Provider shall submit a completed Fair Political Practices Commission Statement of Economic Interests (Form 700) with Sonoma Water within 30 calendar days after the Effective Date of this Agreement and each year thereafter during the term of this Agreement, or as required by state law.
- 14.6. *Statutory Compliance/Living Wage Ordinance:* Service Provider agrees to comply, and to ensure compliance by its subconsultants or subcontractors, with all applicable federal, state and local laws, regulations, statutes and policies, including but not limited to the County of Sonoma Living Wage Ordinance, applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, Service Provider expressly acknowledges and agrees that this Agreement is subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.
- 14.7. *Nondiscrimination:* Service Provider shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.
- 14.8. *Assignment of Rights:* Service Provider assigns to Sonoma Water all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Service Provider in connection with this Agreement. Service Provider agrees to take such actions as are necessary to protect the

rights assigned to Sonoma Water in this Agreement, and to refrain from taking any action which would impair those rights. Service Provider's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as Sonoma Water may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of Sonoma Water. Service Provider shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of Sonoma Water.

- 14.9. *Ownership and Disclosure of Work Product:* All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Service Provider or Service Provider's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of Sonoma Water. Sonoma Water shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Service Provider shall promptly deliver to Sonoma Water all such documents, which have not already been provided to Sonoma Water in such form or format as Sonoma Water deems appropriate. Such documents shall be and will remain the property of Sonoma Water without restriction or limitation. Service Provider may retain copies of the above described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of Sonoma Water.
- 14.10. *District Liability:* District is a separate legal entity from Sonoma County Water Agency, operated under contract by Sonoma County Water Agency. To the extent any work under this Agreement relates to District activities, Service Provider shall be paid exclusively from District funds. Service Provider agrees that it shall make no claim for compensation for Service Provider's services against Sonoma County Water Agency funds and expressly waives any right to be compensated from other funds available to Sonoma County Water Agency.

15. PREVAILING WAGES

- 15.1. *General:* Service Provider shall pay to any worker on the job for whom prevailing wages have been established an amount equal to or more than the general prevailing rate of per diem wages for (1) work of a similar character in the locality in which the work is performed and (2) legal holiday and overtime work in said locality. The per diem wages shall be an amount equal to or more than the stipulated rates contained in a schedule that has been ascertained and determined by the Director of the State Department of Industrial Relations and Sonoma Water to be the general prevailing rate of per diem wages for each craft or type of workman or mechanic needed to execute this Agreement. Service Provider shall also cause a copy of this determination of the prevailing rate of

per diem wages to be posted at each site work is being performed, in addition to all other job site notices prescribed by regulation. Copies of the prevailing wage rate of per diem wages are on file at Sonoma Water and will be made available to any person upon request.

- 15.2. *Compliance Monitoring and Registration:* This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Service Provider shall furnish and shall require all subcontractors to furnish the records specified in Labor Code section 1776 (e.g. electronic certified payroll records) directly to the Labor Commissioner in a format prescribed by the Labor Commissioner at least monthly (Labor Code section 1771.4(a)(3)). Service Provider and all subcontractors performing work that requires payment of prevailing wages shall be registered and qualified to perform public work pursuant to Labor Code section 1725.5 as a condition to engage in the performance of any services under this Agreement.
- 15.3. *Subcontracts:* Service Provider shall insert in every subcontract or other arrangement which Service Provider may make for performance of such work or labor on work provided for in the Agreement, provision that Subcontractor shall pay persons performing labor or rendering service under subcontract or other arrangement not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed in the Labor Code. Pursuant to Labor Code section 1775(b)(1), Service Provider shall provide to each Subcontractor a copy of sections 1771, 1775, 1776, 1777.5, 1813, and 1815 of the Labor Code.
- 15.4. *Compliance with Law:* Service Provider stipulates that it shall comply with all applicable wage and hour laws, including without limitation Labor Code sections 1725.5, 1775, 1776, 1777.5, 1813, and 1815 and California Code of Regulations, Title 8, section 16000, et seq.

16. DEMAND FOR ASSURANCE

- 16.1. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement.

Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article 15 limits Sonoma Water's right to terminate this Agreement pursuant to Article 8 (Termination).

17. ASSIGNMENT AND DELEGATION

- 17.1. *Consent:* Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented. Notwithstanding anything in the above provisions, Service Provider's payment to others for permits, tests and inspections at Sonoma Water's request or with its agreement, does not constitute a delegation or subletting of a duty under this Agreement.
- 17.2. *Subcontracts:* Notwithstanding the foregoing, Service Provider may enter into subcontracts with the subconsultants specifically identified herein. If no subconsultants are listed, then no subconsultants will be utilized in the performance of the work specified in this Agreement, unless added in accordance with Paragraph 17.3.
- 17.3. *Change of Subcontractors or Subconsultants:* If, after execution of the Agreement, parties agree that subconsultants not listed in Paragraph 17.2 will be utilized, Service Provider may enter into subcontracts with subconsultants to perform other specific duties pursuant to the provisions of this Paragraph 17.3. The following provisions apply to any subcontract entered into by Service Provider other than those listed in Paragraph 17.2:
- a. Prior to entering into any contract with subconsultant, Service Provider shall obtain Sonoma Water approval of subconsultant.
 - b. All agreements with subconsultants shall (a) contain indemnity requirements in favor of Sonoma Water in substantially the same form as that contained in Article 9 (Indemnification), (b) contain language that the subconsultant may be terminated with or without cause upon reasonable written notice, and (c) prohibit the assignment or delegation of work under the agreement to any third party.
- 17.4. *Summary of Subconsultants' Work:* Service Provider shall provide Sonoma Water with a summary of work performed by subconsultants with each invoice submitted under Paragraph 6.3. Such summary shall identify the individuals performing work on behalf of subconsultants and the total amount paid to subconsultant, broken down by the tasks listed in the Scope of Work.

18. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS, AND MAKING PAYMENTS

- 18.1. *Method of Delivery:* All notices, bills, and payments shall be made in writing and shall be given by personal delivery, U.S. Mail, courier service, or electronic

means. Notices, bills, and payments shall be addressed as specified in Paragraph 4.2.

- 18.2. *Receipt:* When a notice, bill, or payment is given by a generally recognized overnight courier service, the notice, bill, or payment shall be deemed received on the next business day. When a copy of a notice, bill, or payment is sent by electronic means, the notice, bill, or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill, or payment is deposited in the U.S. mail and postmarked on the date of the electronic transmission (for a payment, on or before the due date), (2) the sender has a written confirmation of the electronic transmission, and (3) the electronic transmission is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills, and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this Article 18.

19. MISCELLANEOUS PROVISIONS

- 19.1. *No Bottled Water:* In accordance with Sonoma Water Board of Directors Resolution No. 09-0920, dated September 29, 2009, no Sonoma Water funding shall be used to purchase single-serving, disposable water bottles for use in Sonoma Water facilities or at Sonoma Water-sponsored events. This restriction shall not apply when potable water is not available.
- 19.2. *No Waiver of Breach:* The waiver by Sonoma Water of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or promise or any subsequent breach of the same or any other term or promise contained in this Agreement.
- 19.3. *Construction:* To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Service Provider and Sonoma Water acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Service Provider and Sonoma Water acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.
- 19.4. *Consent:* Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

- 19.5. *No Third-Party Beneficiaries:* Except as provided in Article 9 (Indemnification), nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.
- 19.6. *Applicable Law and Forum:* This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or in the forum nearest to the City of Santa Rosa, in the County of Sonoma.
- 19.7. *Captions:* The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.
- 19.8. *Merger:* This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure section 1856. Each Party acknowledges that, in entering into this Agreement, it has not relied on any representation or undertaking, whether oral or in writing, other than those which are expressly set forth in this Agreement. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.
- 19.9. *Survival of Terms:* All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.
- 19.10. *Time of Essence:* Time is and shall be of the essence of this Agreement and every provision hereof.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date last signed by the parties to the Agreement.

Reviewed as to funds:

TW 18/19-005

By: _____
Sonoma Water Division Manager -
Administrative Services

Approved as to form:

By: _____
Adam Brand, Deputy County Counsel

Insurance Documentation is on file with
Sonoma Water

Date/TW Initials: 7/26/18 crt

**Sonoma County Water Agency and Russian
River County Sanitation District**

INTREN, LLC, an Illinois limited liability
company

By: _____
Grant Davis
General Manager
Authorized per Sonoma Water's Board of
Directors Action on October 23, 2018

By: _____
Kelly Tomblin
CEO

Date: _____

Date: _____

Exhibit A

Agreement Memorandum No. _____

TW 18/19-005

Service Provider shall perform the services as outlined in Exhibit B (Scope of Work) of the Agreement and as modified below, if applicable, within the times or by the dates provided for herein. The amount of work (including materials) under this Agreement Memorandum shall not exceed \$40,000 unless approved by County Counsel.

A. Date of Initiation Conference:	
B. Project Manager Name:	
C. Project Manager Phone:	
D. Project Manager E-mail:	
E. Project Name:	
F. Project Location:	
G. Project-Activity Code:	
H. Schedule for receipt of deliverables:	
I. Not-to-exceed amount for this Agreement Memorandum:	
J. List of key personnel or authorized subcontractors, if applicable:	
K. Modifications to Exhibit B (Scope of Work), additional requirements, or attach additional sheet:	

INTREN, LLC

By: _____

Title: _____

Date: _____

Sonoma Water copies to:
Accounting and Records
Joan Hultberg
Jake Spaulding

- Sonoma County Water Agency**
- Russian River County Sanitation District**

Reviewed by Project Manager:

By: _____

By: _____
Anjenette Hayre, Agreement Administrator

Date: _____

Reviewed and approved (Required if over
\$40,000):

By: _____
Deputy County Counsel

Exhibit B

Scope of Work

1. GENERAL

- 1.1. Coordination: Coordinate the work with Sonoma Water's Agreement Administrator, Project Manager, or Operations and Maintenance Divisions as directed by the Agreement Memorandum. Service Provider shall be accompanied by Sonoma Water personnel at all times when on Sonoma Water property.
- 1.2. Items to be provided by Sonoma Water:
 - a. Single line schematic of the Russian River Pumping Plant facility's electrical distribution line
 - b. Single line schematic of the Warm Springs Dam Hydroelectric Plant facility's electrical distribution line
 - c. Single line schematic of District electrical distribution lines
 - d. Parts to be stored as inventory at Sonoma Water facility, as agreed upon in writing by Sonoma Water and Service Provider.
- 1.3. Assistance from Sonoma Water: Planned shutdowns of equipment will be performed by Sonoma Water. Sonoma Water will schedule shutdowns between 7 a.m. and 5:30 p.m., Monday through Thursday. Maintenance will be scheduled by Sonoma Water.
 - a. Upon 48-hour notice (business days), Sonoma Water will make equipment available for maintenance and repair.
 - b. Sonoma Water is responsible for maintaining power to vital or necessary plant equipment and processes.
 - c. Sonoma Water will coordinate outages and perform switching to de-energize/isolate equipment to be serviced.
- 1.4. Areas of Responsibility:
 - a. Service Provider's responsibility for maintenance of Sonoma Water's facilities includes overhead 12kV distribution lines, associated equipment, 12kV underground risers, and 12kV underground distribution lines up to and stopping at the terminal pads of Sonoma Water's transformers at the Russian River Pumping Plant facilities and the Warm Springs Dam Hydroelectric Plant facilities. Service Provider's responsibility for assessing and maintaining underground 5kV distribution lines and associated equipment, up to and stopping at the terminal pads of the District's transformers or fused cut outs at the lift stations operated by District.

- b. Contact Sonoma Water if, in an emergency call out situation, the Service Provider determines that the cause of the problem is related to facilities maintained by Sonoma Water personnel.

1.5. Repairs: As requested in writing by Sonoma Water.

2. **TASKS**

Requested services may include, but are not limited to, the following:

2.1. Task 1: Inspections

- a. Provide a minimum of two (2) complete inspections each year of the facilities (early spring and fall, as directed by Sonoma Water) performed by Service Provider's foreman or other qualified representative, at the location listed on the Agreement Memorandum, by visually inspecting the overall distribution lines and appurtenances, including but not limited to:
 - i. 12kV overhead and underground power conductors
 - ii. pole integrity for damage from environment or animals
 - iii. guys
 - iv. bonding straps and staples
 - v. fuses
 - vi. pole transformers
 - vii. hardware at pole switches

2.2. Task 2: Inventory

- a. Provide Sonoma Water with a list of parts necessary to maintain the distribution lines and indicate what parts the Service Provider has in stock and what parts Sonoma Water must maintain in inventory.

2.3. Task 3: Preventative Maintenance

- a. Hardware: Upon inspection, tighten ridge pins, electrical connections, PVC straps, and bolts, as needed.
- b. Insulators: Clean insulators as specified per manufacturer once per year in addition to spot cleaning, as necessary, to mitigate insulator pollution such as tree sap or bird droppings
- c. Test wood pole integrity for wood rot as required.
- d. Notify Sonoma Water of any immediate concerns in the system.

2.4. Task 4: Status Reports

- a. Submit a status report for each inspection conducted under Task 1 to Sonoma Water, detailing the results of each inspection and repairs completed, if any.
- b. Provide Sonoma Water with a list of necessary and recommended repairs or testing.

- c. Submit reports within seven (7) calendar days of completion of each inspection,
- 2.5. Task 5: Emergency Service and Repair
 - a. Provide 24-hour per-day, 365-day-per-year emergency service and repair of Sonoma Water's distribution lines at no additional cost beyond the rates shown in Exhibit C.
 - b. Respond on site to emergencies involving Sonoma Water facilities at the Russian River Pumping Plant facility or Warm Springs Dam Hydroelectric Plan facility within six hours of Sonoma Water notification.
- 2.6. Task 6: Additional Services
 - a. Repair, replace, and install new equipment as requested in writing by Sonoma Water's Project Manager.
 - b. Perform additional services as requested by Sonoma Water to support maintenance and upgrades. The additional services will be agreed to by Service Provider and Sonoma Water and described in the Agreement Memorandum by Sonoma Water.

3. DELIVERABLES

- 3.1. Submit one electronic copy in PDF format (emailed, on CD, or via internet) of each final deliverable to Sonoma Water.
- 3.2. Comply with requirements of Article 13 (Content Online Accessibility).

Exhibit C

Schedule of Costs

PREVAILING WAGES

For work subject to prevailing wage rates, the hourly rate charged will be equivalent to the prevailing wage rate applicable to the work performed by each laborer

Classification	Straight Time	Double Time
Journeyman Lineman	\$ 121.95	\$ 184.12
General Foreman	\$ 143.84	\$ 217.89
Foreman	\$ 133.04	\$ 201.11
Line Equipment Man	\$ 100.08	\$ 150.29
Groundman	\$ 79.97	\$ 118.59
Apprentice 1st Period - 60% of J/L	\$ 78.80	\$ 116.73
Apprentice 2nd Period - 65% of J/L	\$ 84.22	\$ 125.31
Apprentice 3rd Period - 70% of J/L	\$ 89.63	\$ 133.86
Apprentice 4th Period - 75% of J/L	\$ 94.98	\$ 142.30
Apprentice 5th Period - 80% of J/L	\$ 100.21	\$ 150.50
Apprentice 6th Period - 85% of J/L	\$ 105.45	\$ 158.70
Apprentice 7th Period - 90% of J/L	\$ 110.70	\$ 166.94

#	Equipment Description	Hourly Rate (\$/hr)
1	ATV, Quad	\$9.38
2	ATV, Gator	\$9.38
3	Air Compressor 185	\$11.07
4	Air Compressor SC70	\$11.07
5	Air Compressor SC70 w/Jack Hammer	\$12.65
6	Arrow Board	\$11.07
7	Backhoe	\$34.28
8	Backyard Machine (EZ Hauler)	\$33.38
9	Boom Truck 11-14T	\$34.65
10	Boom Truck 30 Ton	\$63.00
11	Boom Truck 35 Ton	\$69.60
12	Bucket Truck 100 ft	\$10.94
13	Bucket Truck 150 ft	\$205.00
14	Bucket Truck 38 ft (Squirt)	\$41.77
15	Bucket Truck 55 ft	\$38.48
16	Bucket Truck 60 ft	\$38.45
17	Bucket Truck 65 ft 2 wheel drive	\$41.65
18	Bucket Truck 65 ft 4 wheel drive	\$49.64
19	Bucket Truck 75 ft	\$51.60
20	Bucket Truck 80 ft	\$52.38
21	Bucket Truck 90 ft	\$74.77
31	Digger Derrick 4045	\$42.84
32	Digger Derrick 60ft	\$69.30
33	Digger Texoma 330	\$66.91
34	Digger Texoma 500	\$87.71
35	Digger Texoma 600	\$129.40
36	Distribution Tensioner	\$16.39
37	Dozer (D-6)	\$45.42
38	Dozer (Dual Winch Sag Cat)	\$72.12
39	Dozer 950J John Deer	\$80.00
40	Excavator Case 210	\$35.48
41	Excavator w/hammerhead	\$79.69
42	FMC Digger	\$125.00
43	Flatbed Truck 14ft	\$23.50
44	Flatbed Truck 20ft	\$27.00
45	Float	\$12.49
46	Forklift 10K Reach	\$31.50
47	Forklift 12k	\$25.50
48	Forklift 15k	\$29.50
49	Forklift 4k	\$12.00
50	Forklift 6k Reach	\$14.00
51	Forklift 6k RT	\$14.00
52	Forklift 8K Reach	\$26.00
53	Generator	\$35.00
54	Light Tower	\$11.91
55	Motor Grader	\$85.00

#	Equipment Description	Hourly Rate (\$/hr)
56	Pickup (General Use)	\$19.75
57	Pickup 4x4	\$24.58
59	Puller (4 Drum)	\$31.77
60	Puller 10,000lb DP100	\$74.99
62	Puller 72" V-Groove	\$74.99
63	Puller 8-10,000lb	\$74.99
64	Puller- Hogg Davis	\$38.79
65	Puller- Power Puller 3000	\$41.14
66	Puller-Underground	\$38.31
67	Splicing Van	\$28.52
68	Steel Plates 8'x20' w/eye	\$2.50
69	Tensioner (52")	\$16.39
70	Tensioner (60" Bundle)	\$52.60
71	Tensioner (60" Dbl Bundle)	\$61.80
72	Tensioner (60")	\$41.62
73	Tensioner (72" Bundle)	\$53.78
74	Tensioner (72" Dbl Bundle)	\$77.90
75	Tensioner (Single conductor)	\$16.39
76	Tool Truck (Box Van 24 ft)	\$41.73
77	Trailer- Wire 3 Reel	\$12.49
78	Trailer- Wire 4 Reel	\$14.50
80	Trailer-Cargo	\$9.64
81	Trailer-Distribution	\$7.38
82	Trailer-Drop Deck	\$14.90
83	Trailer-Fire Supression	\$15.00
84	Trailer-Lo-Boy	\$18.00
85	Trailer-Pole Dolly	\$5.15
87	Trailer-Utility	\$6.00
88	Trailer-Water	\$7.00
89	Trailer-Wire	\$3.50
90	Trencher	\$31.95
91	Truck, Mechanic	\$41.73
92	Truck, Road Tractor	\$52.50
93	Truck, Service	\$41.73
94	Truck, Small Dum 5 Yard	\$20.17
95	Truck, Water- 2000 Gal	\$35.30
96	Truck, Welding	\$39.76
98	Wire Dolly (3 Reel)	\$12.49
100	Wire Dolly (Single Reel)	\$5.75
101	Wire Stand-Roller Bed	\$8.50

Exhibit D

Insurance Requirements

Service Provider shall maintain and require all of its subcontractors and other agents to maintain the insurance listed below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Service Provider shall not commence Work, nor allow its employees, subcontractors or anyone to commence Work until the required insurance has been submitted and approved by Sonoma Water. Any requirement for Service Provider to maintain insurance after completion of the Work shall survive this Agreement.

Sonoma Water reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Sonoma Water's failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or Sonoma Water's failure to identify any insurance deficiency shall not relieve Service Provider from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. INSURANCE

- 1.1. Workers Compensation and Employers Liability Insurance
 - a. Required if Service Provider has employees as defined by the Labor Code of the State of California.
 - b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
 - c. Employers' Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
 - d. The policy shall be endorsed to include a written waiver of the insurer's right to subrogate against Sonoma Water.
 - e. Required Evidence of Insurance:
 - i. Subrogation waiver endorsement and
 - ii. Certificate of Insurance
 - f. If Service Provider currently has no employees as defined by the Labor Code of the State of California, Service Provider agrees to obtain the above-specified Workers' Compensation and Employers' Liability insurance should employees be engaged during the term of this Agreement or any extensions of the term.
- 1.2. General Liability Insurance
 - a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
 - b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The General Aggregate shall apply separately to each Project. The required limits may be

satisfied by a combination of General Liability Insurance and either Commercial Excess or Commercial Umbrella Liability Insurance. If Service Provider maintains higher limits than the specified minimum limits, Sonoma Water requires and shall be entitled to coverage for the higher limits maintained by Service Provider.

- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000, it must be approved in advance by Sonoma Water. Service Provider is responsible for any deductible or self-insured retention and shall fund it upon Sonoma Water's written request, regardless of whether Service Provider has a claim against the insurance or is named as a party in any action involving Sonoma Water.
- d. Insurance shall be continued for one (1) year after completion of the Work.
- e. Sonoma County Water Agency and Russian River County Sanitation District, their officers, agents, and employees, shall be endorsed as additional insureds for liability arising out of ongoing and completed operations by or on behalf of the Service Provider in the performance of this Agreement. The foregoing shall continue to be additional insureds for (1) year after completion of the Work under this Agreement.
- f. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- g. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the "f" definition of insured contract in ISO form CG 00 01, or equivalent).
- h. The policy shall be endorsed to include a written waiver of the insurer's right to subrogate against Sonoma Water.
- i. The policy shall cover inter-insured suits between the additional insureds and Service Provider and include a "separation of insureds" or "severability" clause which treats each insured separately.
- j. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status, and
 - ii. Certificate of Insurance.

1.3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be satisfied by a combination of Automobile Liability Insurance and either Commercial Excess or Commercial Umbrella Liability Insurance.
- b. Insurance shall cover all owned autos. If Service Provider currently owns no autos, Service Provider agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.

- c. Insurance shall cover hired and non-owned autos.
 - d. Required Evidence of Insurance: Certificate of Insurance.
- 1.4. Standards for Insurance Companies
- a. Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.
- 1.5. Documentation
- a. The Certificate of Insurance must include the following reference: TW 18/19-005.
 - b. Service Provider shall submit all required Evidence of Insurance prior to the execution of this Agreement. Service Provider agrees to maintain current Evidence of Insurance on file with Sonoma Water as specified in Sections 1.1, 1.2, or 1.3, above for the required period of insurance.
 - c. The name and address for mailing Additional Insured endorsements and Certificates of Insurance is: Sonoma County Water Agency and Russian River County Sanitation District, 404 Aviation Boulevard, Santa Rosa, CA 95403-9019.
 - d. Service Provider shall submit Required Evidence of Insurance for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
 - e. Service Provider shall provide immediate written notice if: (1) any of the required insurance policies are terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
 - f. Upon written request, Service Provider shall provide certified copies of required insurance policies within thirty (30) days.
- 1.6. Policy Obligations
- a. Service Provider's indemnity and other obligations shall not be limited by the foregoing insurance requirements.
- 1.7. Material Breach
- a. If Service Provider fails to maintain insurance which is required pursuant to this Agreement, such failure shall be deemed a material breach of this Agreement. Sonoma Water, at its sole option, may terminate this Agreement and obtain damages from Service Provider resulting from said breach. Alternatively, Sonoma Water may purchase the required insurance, and without further notice to Service Provider, Sonoma Water may deduct from sums due to Service Provider any premium costs advanced by Sonoma Water for such insurance. These remedies shall be in addition to any other remedies available to Sonoma Water.

AGENCY CUSTOMER ID: _____

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page ____ of ____

AGENCY		NAMED INSURED	
POLICY NUMBER			
CARRIER	NAIC CODE		
		EFFECTIVE DATE:	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: _____ FORM TITLE: _____

A Waiver of Subrogation applies to the Worker's Compensation and General Liability policies in favor of the mentioned entity, when required by written contract and where allowed by law.

Umbrella Follows Form

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**BLANKET ADDITIONAL INSURED – AUTOMATIC STATUS
IF REQUIRED BY WRITTEN CONTRACT
(CONTRACTORS)**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

1. The following is added to SECTION II – WHO IS AN INSURED:

Any person or organization that:

- a. You agree in a "written contract requiring insurance" to include as an additional insured on this Coverage Part; and
- b. Has not been added as an additional insured for the same project by attachment of an endorsement under this Coverage Part which includes such person or organization in the endorsement's schedule;

is an insured, but:

- a. Only with respect to liability for "bodily injury", "property damage" or "personal injury"; and
- b. Only as described in Paragraph (1), (2) or (3) below, whichever applies:

(1) If the "written contract requiring insurance" specifically requires you to provide additional insured coverage to that person or organization by the use of:

- (a)** The Additional Insured – Owners, Lessees or Contractors – (Form B) endorsement CG 20 10 11 85; or
- (b)** Either or both of the following: the Additional Insured – Owners, Lessees or Contractors – Scheduled Person Or Organization endorsement CG 20 10 10 01, or the Additional Insured – Owners, Lessees or Contractors – Completed Operations endorsement CG 20 37 10 01;

the person or organization is an additional insured only if the injury or damage arises out of "your work" to which the "written contract requiring insurance" applies;

(2) If the "written contract requiring insurance" specifically requires you to provide additional insured coverage to that person or organization by the use of:

(a) The Additional Insured – Owners, Lessees or Contractors – Scheduled Person or Organization endorsement CG 20 10 07 04 or CG 20 10 04 13, the Additional Insured – Owners, Lessees or Contractors – Completed Operations endorsement CG 20 37 07 04 or CG 20 37 04 13, or both of such endorsements with either of those edition dates; or

(b) Either or both of the following: the Additional Insured – Owners, Lessees or Contractors – Scheduled Person Or Organization endorsement CG 20 10, or the Additional Insured – Owners, Lessees or Contractors – Completed Operations endorsement CG 20 37, without an edition date of such endorsement specified;

the person or organization is an additional insured only if the injury or damage is caused, in whole or in part, by acts or omissions of you or your subcontractor in the performance of "your work" to which the "written contract requiring insurance" applies; or

(3) If neither Paragraph (1) nor (2) above applies:

(a) The person or organization is an additional insured only if, and to the extent that, the injury or damage is caused by acts or omissions of you or your subcontractor in the performance of "your work" to which the "written contract requiring insurance" applies; and

(b) The person or organization does not qualify as an additional insured with respect to the independent acts or omissions of such person or organization.

COMMERCIAL GENERAL LIABILITY

2. The insurance provided to the additional insured by this endorsement is limited as follows:
 - a. If the Limits of Insurance of this Coverage Part shown in the Declarations exceed the minimum limits of liability required by the "written contract requiring insurance", the insurance provided to the additional insured will be limited to such minimum required limits of liability. For the purposes of determining whether this limitation applies, the minimum limits of liability required by the "written contract requiring insurance" will be considered to include the minimum limits of liability of any Umbrella or Excess liability coverage required for the additional insured by that "written contract requiring insurance". This endorsement will not increase the limits of insurance described in Section III – Limits Of Insurance.
 - b. The insurance provided to the additional insured does not apply to "bodily injury", "property damage" or "personal injury" arising out of the rendering of, or failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders or change orders, or the preparing, approving, or failing to prepare or approve, drawings and specifications; and
 - (2) Supervisory, inspection, architectural or engineering activities.
 - c. The insurance provided to the additional insured does not apply to "bodily injury" or "property damage" caused by "your work" and included in the "products-completed operations hazard" unless the "written contract requiring insurance" specifically requires you to provide such coverage for that additional insured during the policy period.
3. The insurance provided to the additional insured by this endorsement is excess over any valid and collectible other insurance, whether primary, excess, contingent or on any other basis, that is available to the additional insured. However, if the "written contract requiring insurance" specifically requires that this insurance apply on a primary basis or a primary and non-contributory basis, this insurance is primary to other insurance available to the additional insured under which that person or organization qualifies as a named insured, and we will not share with that other insurance. But the insurance provided to the additional insured by this endorsement still is excess over any valid and collectible other insurance, whether primary, excess, contingent or on any other basis, that is available to the additional insured when that person or organization is an additional insured, or is any other insured that does not qualify as a named insured, under such other insurance.
4. As a condition of coverage provided to the additional insured by this endorsement:
 - a. The additional insured must give us written notice as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, such notice should include:
 - (1) How, when and where the "occurrence" or offense took place;
 - (2) The names and addresses of any injured persons and witnesses; and
 - (3) The nature and location of any injury or damage arising out of the "occurrence" or offense.
 - b. If a claim is made or "suit" is brought against the additional insured, the additional insured must:
 - (1) Immediately record the specifics of the claim or "suit" and the date received; and
 - (2) Notify us as soon as practicable.The additional insured must see to it that we receive written notice of the claim or "suit" as soon as practicable.
 - c. The additional insured must immediately send us copies of all legal papers received in connection with the claim or "suit", cooperate with us in the investigation or settlement of the claim or defense against the "suit", and otherwise comply with all policy conditions.
 - d. The additional insured must tender the defense and indemnity of any claim or "suit" to any provider of other insurance which would cover the additional insured for a loss we cover under this endorsement. However, this condition does not affect whether the insurance provided to the additional insured by this endorsement is primary to other insurance available to the additional insured which covers that person or organization as a named insured as described in Paragraph 3. above.
5. The following is added to the **DEFINITIONS** Section:

"Written contract requiring insurance" means that part of any written contract or agreement under which you are required to include a person or or-

COMMERCIAL GENERAL LIABILITY

ganization as an additional insured on this Coverage Part, provided that the "bodily injury" and "property damage" occurs, and the "personal injury" is caused by an offense committed, during the policy period and:

- a. After the signing and execution of the contract or agreement by you; and
- b. While that part of the contract or agreement is in effect.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 3
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of the County of Sonoma, Board of Directors of the Sonoma County Water Agency

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Human Resources

Staff Name and Phone Number:

Carol Allen – x2549

Supervisorial District(s):

All

Title: Memorandum of Understanding extension Between the County of Sonoma and the Western Council of Engineers (WCE)

Recommended Actions:

Adopt a Concurrent Resolution approving an extension to the Memorandum of Understanding (MOU) between the County of Sonoma and WCE for the period of July 1, 2018 through July 1, 2019.

Executive Summary:

Representatives from the County and WCE met and conferred and reached a tentative agreement (Attachment A) regarding the terms and conditions of employment for an extension of the MOU. All changes to the 2016-2018 MOU shall become effective upon approval of the Board of Supervisors unless otherwise specified in the tentative agreement.

Discussion:

Given the fiscal uncertainty caused by the October 9, 2017 Sonoma Complex fires, the County met and conferred with WCE for a proposed extension of the MOU. The County and WCE have tentatively agreed on terms and conditions, salary, and benefits for an extension of the MOU. A brief summary of the tentative agreement (TA) is below.

Term of MOU:

July 2, 2018 through July 1, 2019.

One Time Lump Sum Pensionable Payment:

Effective with the pay period that begins November 6, 2018, and ending November 19, 2018, each regular, full time, active employee in paid status shall receive a one-time, lump sum, pensionable, and non-recurring payment to those employees in active status as of the last day of the pay period and prorated based on allocated FTE, in the amount of \$3,318.

Medical Benefits:

Effective the pay period beginning October 23, 2018, for the pay date of November 14, 2018, the County will contribute up to a maximum of the following amounts based on level of coverage for employees enrolled in County offered medical coverage for any eligible full-time regular employee and their dependent(s). This contribution stabilizes employee out-of-pocket costs for healthcare, with the County paying the recent increase in premiums. The contribution is as follows:

- Employee only: \$629 per month
- Employee plus one: \$1,257 per month
- Family: \$1,779 per month

Effective the pay period beginning October 23, 2018, for the pay date of November 14, 2018, the employee contribution to Dental premiums will be suspended, resuming January 8, 2020.

Holidays:

Employees will be granted eight floating holiday hours each calendar year. The floating holiday hours may be taken at any time during the calendar year, but may not be carried over into the next calendar year. There will be no cash-out of unused floating holiday hours.

Employees will receive an eight (8) hour Cesar Chavez holiday on March 31st of each year, to honor and celebrate his important work on civil rights for laborers, particularly in the Latino community. Holiday hours will be prorated based on allocated FTE for part time employees.

Labor Management Committee - Total Compensation Study

The County and WCE agreed to establish a Labor Management Committee to review comparable agencies, classifications and benchmarks for WCE classifications, other than Sonoma County Water Agency classifications, relative to the County's compensation philosophy.

Language Clean Up - County Contribution toward Retiree Medical Plans

The County and WCE agreed to language in the MOU that continues the current County contribution toward the cost of County offered medical plans of any eligible retiree, while decoupling management benefits from retirees.

Paid Parental Leave

Effective 10/1/2018 for eligible events that occur on or after Board adoption of the MOU, any permanent or probationary employee who has been continuously employed by the County for at least 12 months prior to the start of the leave shall be eligible for 320 hours of Paid Parental Leave for use within 12 months of the qualifying event. Part-time employees shall be eligible for this benefit based on pro-rated hours.

Favored Nations Clause:

If, during the term of this extension another bargaining unit other than 0049 (Board of Supervisors), 0050 (Administrative Management), and 0052 (Department Heads) receives an increase or improvement in compensation or other economic benefits that is greater than that agree to by WCE, the

County agrees to open the MOU and meet and confer on the subject of compensation as applied to WCE.

Government Code Compliance Requirements:

Various provisions of the California Government Code require certain disclosures before the Board can adopt changes in salaries or benefits, with additional disclosure required for changes in pension and other post-employment benefits. Any changes in salaries and benefits must be adopted at a public meeting of the Board (Cal Gov't Code §23026). Notice of the consideration of such increases must be provided prior to the meeting and shall include "an explanation of the financial impact that the proposed benefit change or salary increase will have on the funding status of the county employees' retirement system." (Cal Gov't Code §31515.5).

In addition, when considering changes in retirement benefits or other postemployment benefits, the Board "shall secure the services of an actuary to provide a statement of the actuarial impact upon future annual costs, including normal cost and any additional accrued liability, before authorizing changes in public retirement plan benefits or other postemployment benefits." (Cal Gov't Code §7507). When there are changes in retirement benefits or other postemployment benefits, the statement of actuarial impacts shall be provided by an enrolled actuary and shall be made public at a meeting at least two weeks before the adoption of the increase in benefits. (Cal Gov't Code §31516). Note, however, that today's recommendations do not include changes to retirement benefits or other post-employment benefits.

This staff report recommends the Board adopt changes in the WCE MOU extension, including changes to salary and benefits. Based on the letter received from Segal Company (Segal), the proposed one-time, pensionable, lump-sum payment is within the future years' 3.5% annual wage increase assumptions applied in the December 31, 2016; and therefore, Segal's analysis, as included in Attachment B, states that the proposed changes will not materially impact the ongoing cost of the plan and funding status of the Sonoma County Employees' Retirement Association.

Prior Board Actions:

July 19, 2016 – Board Adopted the 2016/2018 WCE MOU.

Strategic Plan Alignment Goal 3: Invest in the Future

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$8,763	\$66,303	\$53,159
Additional Appropriation Requested	\$209,923		
Total Expenditures	\$218,686	\$66,303	\$53,159
Funding Sources			
General Fund/WA GF	\$41,953	\$12,720	\$9,814
State/Federal			
Fees/Other	\$176,733	\$53,584	\$42,961
Use of Fund Balance			
Contingencies			
Total Sources	\$218,686	\$66,303	\$53,159
Narrative Explanation of Fiscal Impacts:			
<p>The MOU extension represents a total estimated operational cost increase, above the adopted budget, of \$209,923 in fiscal year 18/19, which includes an estimated on-going operational cost of \$53,159 associated with the augmented medical premium contribution and the new parental leave benefit program. Of the total 18/19 projected increased costs, about \$41,953 is within the General Fund. Additional FY 18/19 budgetary appropriations will be included in the future consolidated budgetary adjustments to align with the adjusted labor costs, if the labor agreement extension is approved.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None			
Attachments:			
Concurrent Resolution; Attachment A – Signed Tentative Agreement; Attachment B – Segal Company Letter dated October 17, 2018.			
Related Items “On File” with the Clerk of the Board:			
None			



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Concurrent Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, and the Board of Directors of the Sonoma Water Agency, Extending The Memorandum Of Understanding Between The County Of Sonoma And The Western Council of Engineers, For The Period of July 2, 2018 Through July 1, 2019.

Whereas, the Western Council of Engineers (“WCE”) is a recognized employee organization representing bargaining unit 21; and

Whereas, the County met and conferred with representatives of WCE to negotiate an extension to the Memorandum of Understand (“MOU”); and

Whereas, the WCE membership ratified the terms of the tentative agreement to be recommended to the Board of Supervisors for approval; and

Whereas, the terms and conditions of the tentative agreements are within the prescribed authority of this Board; and

Whereas, the County has satisfied its obligation under Government Code Section 3505 and the County Employee Relations Policy to meet and confer over the terms and conditions of employment contained in the recommended MOU extension; and

Whereas, the Board has met all legal requirements under Government Code Sections 23026, 31515.5, 7507, and 31516; and

Whereas, the proposed changes to the WCE MOU do not include changes in retirement benefits or other postemployment benefits; and

Whereas, written confirmation of the Board’s compliance with Government Code 31515.5 and 23026 from Segal Company is included in Attachment **AB** and incorporated by reference herein.

Resolution #

Date:

Page 2

Now, Therefore, Be It Resolved that this Board hereby approves the Tentative Agreement (Attachment A) setting the terms and conditions of the MOU extension between the County and the WCE, which is attached and incorporated by reference herein.

Be It Further Resolved that the terms and conditions of the MOU shall be in full force and effect from July 2, 2018 through July 1, 2019, except as specified otherwise in the MOU.

Be It Finally Resolved that the County Administrator, Director of Human Resources, and Auditor-Controller-Treasurer-Tax Collector have the authority to take any necessary administrative actions to implement the provisions of this resolution, including the authority to execute administrative changes to plan documents and MOUs as needed and/or make corrections of a non-financial nature.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
WESTERN COUNCIL OF ENGINEERS
2018-2019

MEMORANDUM OF UNDERSTANDING

Between

THE COUNTY OF SONOMA

SONOMA COUNTY WATER AGENCY

and

WESTERN COUNCIL OF ENGINEERS

(W.C.E.)

~~2016-2018~~ - ~~2018~~2019

MEMORANDUM OF UNDERSTANDING

BETWEEN THE COUNTY OF SONOMA, SONOMA COUNTY WATER AGENCY
and
WESTERN COUNCIL OF ENGINEERS (WCE)
~~2016~~2018-2018~~2019~~

PREAMBLE

This Memorandum of Understanding between the duly appointed representatives of Sonoma County and Sonoma County Water Agency together hereinafter referred to as "County", and the Western Council of Engineers, hereinafter referred to as the "Council", contains the agreement of each concerning wages, hours and other terms and conditions of employment for the term of this Memorandum. The parties jointly agree to recommend to County Board of Supervisors and Board of Directors of the Sonoma County Water Agency the adoption of this Memorandum of Understanding effective ~~upon adoption by the Board of Supervisors (July 19, 2016)~~July 2, 2018, unless otherwise specified. This Memorandum of Understanding shall apply only to the Engineers' Bargaining Unit.

ARTICLE 1 - TERM

This Memorandum of Understanding is effective from July ~~19, 2016~~2, 2018, ~~adoption by the Board of Supervisors~~, unless otherwise specified. This Memorandum shall expire and otherwise fully terminate at 11:59 p.m. on July 1, ~~2018~~2019. The parties agree that all monetary and non-monetary changes contained herein will become effective upon adoption by the Board of Supervisors unless otherwise specified.

ARTICLE 2 - SUCCESSOR MEMORANDUM

In the event the Council or the County desires to negotiate a successor Memorandum of Understanding, ~~the Council shall serve on the County~~it shall serve on the other party, by the third week of February ~~2018~~2019, its written request to commence negotiations.

ARTICLE 11 - SALARIES AND ADMINISTRATION OF THE SALARY SCHEDULE

11.1 Salaries

a. Cost of Living Adjustment

Salary scales shall be as specified in Appendix B for each classification in the bargaining unit.

Effective with the pay period that begins July 19, 2016, the County shall increase by three percent (3%) the A-I steps of each scale in the Salary Table specified in Appendix B.

Effective with the pay period that begins March 14, 2017, the County shall increase by three percent (3%) the A-I steps of each scale in the Salary Table specified in Appendix

B.

b. Cash Allowance

The County shall pay each permanent full- and part-time employee, in addition to their hourly regular earning rate from the salary schedule, a cash allowance of \$3.45 per paid status hour that the employee is in pay status excluding overtime, up to a maximum of eighty (80) hours in a pay period, (for approximately a maximum of \$600 per month).

Such hourly cash allowance is compensation for services rendered in that pay period and shall be taken into account for the purposes of computing employees' final compensation for pension purposes, as well as all usual taxation as their regular earning rate from the salary schedule. It shall not be included on the salary schedule and shall not be impacted by future increases on the salary schedule. It is not intended as a supplement toward medical, dental, or any other insurance or benefit.

11.2 Salary Upon Employment

Except as otherwise provided herein, appointment to any position in any class shall be made at the minimum rate, and advancement to rates greater than the minimum rate shall be within the limits of the salary scale for the class.

In exceptional cases after reasonable effort has been made to obtain employees for a particular class at the minimum rate, employment of individuals who possess special qualifications higher than the minimum qualifications prescribed for the particular class may be authorized at a rate higher than the minimum upon recommendation of the appointing authority with approval of the County.

11.3 Salary Consideration Upon Reappointment or Return

A full-time or part-time employee who resigns in good standing and is reappointed on a full-time, part-time or extra-help basis in the same or a closely related class in the same or a lower salary scale within two (2) years of resignation, shall not be paid less than two steps below the step paid at the time of resignation. Approval of the County is only required if the person is rehired at a step which exceeds the step paid at the time of resignation.

A full-time or part-time employee who resigns in good standing and, within one (1) month of the date of resignation, is appointed to an extra-help job in any class may, with approval of the appointing authority, receive the hourly rate which is closest to but does not exceed the step rate received upon resignation.

11.4 Salary Extra-Help to Extra-Help or Permanent Appointment

An extra-help employee who is appointed to an allocated part-time or full-time position or on an extra-help basis in any class and without a break in service, shall be paid at a step in the appropriate salary scale which is nearest in amount to that of the step received in the classification held immediately prior to such appointment. Employment at a higher salary step not to exceed the maximum of the scale may be authorized upon recommendation of the appointing authority and approval of the County. This provision does not apply to the appointment of an extra-help employee to another extra-help position(s) held simultaneously with the first position.

11.5 Salary Upon Restoration

Any full-time or part-time employee displaced, laid off, or voluntarily demoted in lieu of layoff and reappointed within two (2) years in the same class from which separated or in a closely related class in the same salary scale, or in a lower salary scale than the class from which separated shall be paid at the salary step closest to but not exceeding the step of the applicable scale paid at the time of displacement, layoff or voluntary demotion. Such employee shall be considered for merit increase when the employee's total hours in pay status before and after separation and restoration equal the number of hours required for merit increase.

11.6 Salary Upon Promotion

Except as otherwise provided herein, any full- or part-time employee who is promoted to a position or a class allocated to a higher salary scale than the class from which the employee was promoted shall receive the salary step rate of the appropriate range which would constitute an increase of salary most closely equivalent to but not less than five percent (5%) of the employee's salary step rate before promotion, but not less than the minimum salary scale of the new class nor greater than the maximum salary of the new class.

If a promotion occurs on the same day a merit increase is due and approved, the merit increase shall be computed first and subsequently the increase due to promotion.

An employee who is promoted shall be considered for a merit increase when the employee's total hours in pay status, exclusive of overtime subsequent to promotion, equals 1,040 hours. The effective date of the merit increase shall be in accordance with Section 11.19.

11.7 Salary – Upon Promotion - Advanced Salary Step

Upon promotion of a full-time or part-time employee to a new class, the Human Resources Director may recommend to the County Administrator that the person being promoted shall receive a rate of pay which is higher than that to which the employee is entitled, but which in no way exceeds the top of the scale.

11.8 Salary Upon Demotion During Probation (Failed Probation)

Any full-time or part-time employee who, during the employee's probationary period, is demoted to a class which the employee formerly occupied in good standing during the same period of continuous employment in paid or unpaid status, shall have the employee's salary reduced to the salary the employee would have received if the employee had remained in the lower class throughout the employee's period of service in the higher class. The employee's eligibility for merit advancement shall be determined as if the employee had remained in the lower class throughout the period of service in the higher class.

11.9 Salary Upon Involuntary Demotion

A full- or part-time employee, to whom the circumstances described in Section 11.8 do not apply, who is demoted involuntarily to a position in a class which is allocated to a lower salary scale than the class from which the employee is demoted, shall have the employee's salary reduced to the salary in the range for the new class next lower than, or not more

than five percent (5%) lower than the salary received before demotion, except that such employee shall not be paid more than the maximum of the scale of the class to which the employee is demoted. The employee's eligibility for merit advancement shall not change as a result of demotion.

11.10 Salary Upon Voluntary Demotion

A full- or part-time employee, to whom the circumstances described in Section 11.8 above do not apply, who is demoted voluntarily or who is displaced as a result of layoff to a position of a class which is allocated to a lower salary scale than the class from which the employee is demoted, or displaced as a result of layoff shall receive the highest salary step in the scale for the new class which does not exceed the salary received before demotion or displacement but not exceeding the maximum of the salary scale for the new class. The employee's eligibility for merit advancement shall not change as a result of demotion or displacement.

11.11 Salary Upon Reappointment from Voluntary Demotion

Any full-time or part-time employee who is demoted voluntarily and who is reappointed on a full-time or part-time basis in the same class within two (2) years, shall be reappointed at either the same step the employee received at the time of demotion or the salary step nearest the amount of the employee's present salary step, whichever is greater.

11.12 Salary Upon Transfer

A full-time or part-time employee who transfers from one allocated position to another allocated position in the same job class shall be placed at the same salary step that the employee was receiving prior to the transfer. A full-time or part-time employee who transfers from one allocated position in a job class to another allocated position in a closely related job class as defined in the Civil Service Rules for which s/he possesses the minimum qualifications shall be paid at the step in the new scale nearest in amount to what the employee received prior to transfer.

11.13 Salary Upon Reallocation of Class

An employee in a position of a class which is reallocated from one salary scale to another shall continue to receive the same salary step.

11.14 Salary Upon Reclassification of Position - Same Salary

Whenever a position is reclassified to a class which is allocated to the same salary scale, the incumbent shall retain the same salary step received prior to the reclassification if the incumbent is appointed to fill the position.

11.15 Salary Upon Reclassification of Position - Higher Salary

Except as otherwise provided herein, whenever a position is reclassified to a class which is allocated to a higher salary scale, the salary of the incumbent shall be as provided in this article upon promotion if the incumbent is appointed to fill the position.

11.16 Salary Upon Reclassification of Position - Lower Salary

Whenever a position is reclassified to a class which is allocated to a lower salary scale, the

salary of the incumbent shall be as provided by this article upon voluntary demotion, if the incumbent is appointed to fill the position. Whenever the effect of reclassification is to reduce the salary of an incumbent, the Board of Supervisors may, upon recommendation by the Director of Human Resources, direct that the incumbent shall continue to receive the previously authorized salary until termination of employment in the position, or until a percentage increase in pay may be authorized, whichever first occurs. Appropriate records shall show such an incumbent as being paid at a special fixed rate (Y-Rate) of the salary scale for the employee's class.

11.17 Merit Advancement Within Salary Scale

Merit increases within a scale shall not be automatic. They shall be based upon merit and shall be made only upon written approval by the employee's department head or appointing authority. Merit increases shall be made within the appropriate salary scale for the class by computing the new salary step rate which is most closely equivalent to five percent (5%) higher than the previous base hourly salary.

11.18 Salary Upon Advancement Within a Scale

Each employee shall be considered for an initial merit increase when the employee's total hours in pay status within the current class exclusive of overtime equals 1,040 hours. Each such employee shall be considered for subsequent merit increases when the employee's total hours in pay status exclusive of overtime at each step to which advancement equals 2,080 hours.

11.19 Effective Date of Merit Increase

All merit increased will be effective on the date the employee is eligible in accordance with sections 11.17 (Merit Advancement Within Salary Scale) and 11.18 (Salary Upon Advancement Within a Scale).

11.20 Temporary Assignment to a Higher Class

An employee assigned by the County to perform the majority of duties of a higher classification to fill a vacancy caused by resignation, termination, promotion or an extended leave of absence, must complete the required personnel forms and must meet the minimum qualifications of the higher classification. Such employee shall be paid according to the salary of the scale for the new class at a step most closely equivalent to five percent (5%) greater than the employee's salary before promotion, but not less than the minimum salary of the new class, nor greater than the maximum salary of the new class. The employee shall receive this salary as long as the employee continues to serve in such assignment and shall be entitled to receive increases for the position in accordance with the merit increase section of this Memorandum as though the employee had been appointed on the day that the employee began to receive the salary designated for the position.

11.20.1 Temporary Assignment – Merit Increase Eligibility

Temporary assignments shall be administered in the following manner:

- a) If an employee assigned to a higher class has not yet reached the "1" step in the

lower class, in-service hours while temporarily assigned to a higher class shall count as time served in the lower class for purposes of merit increase(s). If the employee reaches the "I" step of the lower class while temporarily assigned, all subsequent in-service hours worked while assigned to the higher class will begin counting toward a merit increase in the higher class.

b) If an employee is at the "I" step of the lower class when assigned to the higher class, in-service hours while temporarily assigned to a higher class shall count as time served in the higher class for purposes of merit increase(s) beginning with the first hour assigned in the higher class.

c) An employee who is subsequently reassigned by the County within 12 months of the ending date of the most recent temporary assignment shall be considered for a merit increase in the higher class when the employee's total cumulative hours in the higher class are in accordance with Section 11.18 (Salary Upon Advancement Within a Scale).

However, if the employee received credit toward a merit increase in the lower class for hours worked in a temporary assignment as provided in Subsection 11.20.1(a), such hours shall not also count toward a merit increase in the higher class.

11.21 Classification Study Requests

In response to a written request from a Department Head, the Council, or an employee for a reclassification study, the Human Resources Department shall acknowledge receipt of said request, and if possible, indicate the general priority, if known, within thirty (30) calendar days of the date said request is received by the Human Resources Department.

The Director of Human Resources or his/her designee will review the status of pending classification study requests with a staff member of Council upon request.

Before the Board of Supervisors establishes the salary scale for any new class represented by the Council, the County shall meet and discuss the salary scale for the new classification with the Council.

11.22 Successor MOU Negotiations

In previous negotiations, the County and the Council arrived at a mutually agreeable list of agencies and benchmark classifications for the Sonoma County Water Agency classifications and these classifications were surveyed in preparation for the 2016-2018 MOU. These agencies are:

East Bay MUD, Marin Municipal Water District, Vallejo Sanitation and Flood Control District, Alameda Zone 7, Alameda Water District, Napa Sanitation District, Delta Diablo, and Central Contra Costa Sanitation.

For successor negotiations, the County and the Council reserve the right to survey and gather compensation data from other comparable water/sanitation districts, as well as those listed above for the Water Agency classifications.

With respect to the Sonoma County classifications, the County and the Council shall gather data from the survey agencies of their choice. Subject to data availability, the County and

Council shall make the data available to each other by the start of the next negotiations, or as soon as possible thereafter for both County and Water Agency classifications.

11.23 One-Time, Lump Sum, Non-Recurring And ~~Non~~-Pensionable Payments

Effective with the pay period that begins ~~July–November 196, 2016~~2018, and ending November 19, 2018, each regular, full time, active employee in paid status shall receive a one-time, lump sum, non-recurring, ~~non~~-pensionable payment in the amount of eight hundredthree thousand, three hundred and eighteen dollars (~~\$8003,318~~), to those employees in active status as of the last day of the pay period and prorated based on allocated FTE.

The one-time payments will be subject to all applicable federal, state and local tax withholdings. The payments will not be included in wages for computations of overtime, ~~pension~~, and benefits or for any other purpose.

11.24 Labor Management Committee - Total Compensation Study

The parties agree that in preparation for the next contract negotiation only, that a Labor Management Committee (“LMC”) will be established. The parties will develop a preliminary meeting schedule no later than December 14, 2018, and meet for the first meeting no later than February 1, 2019. The LMC is established to review comparable agencies, classifications and benchmarks for WCE classifications, other than Sonoma County Water Agency classifications, relative to the County’s compensation philosophy. The LMC will consist of four (4) employees from classifications other than Sonoma County Water Agency classifications, plus one WCE representative (not employed by the County). The County team shall consist of no fewer than three representatives from the County, including one management representative from DTPW and one management representative from PRMD (Permit Sonoma). For purposes of the LMC, “management representative” means Division Manager, Deputy Director, or Director. The Director of DTPW and the Director of PRMD (Permit Sonoma) will be invited to attend at least one meeting of the LMC. The parties agree that the committee will meet no more than four (4) times, unless mutually agreed. The parties also agree that each meeting will last no longer than two (2) hours, unless mutually agreed. The parties to the LMC may each develop a memorandum reflecting the information presented and discussed during the LMC meetings. Nothing in this paragraph precludes the parties from discussing comparable agencies, classifications, and benchmarks during negotiations.

ARTICLE 18 - HEALTH AND WELFARE BENEFITS FOR ACTIVE EMPLOYEES

18.1 Active Employee Health Plans

An eligible employee is allowed only to enroll either as a single subscriber in a County offered medical, dental, vision plan, and/or dependent life insurance, or as the dependent spouse/domestic partner of another eligible County employee/retiree, but not both.

If an employee is also eligible to cover his/her dependent child/children, each child will be allowed to enroll as a dependent on only one employee or retiree’s plan (i.e., an employee and his or her dependents cannot be covered by more than one County offered health plan).

An eligible employee is:

- A County of Sonoma probationary or regular full-time or probationary or regular part-time employee (Refer to Section 18.2.7 (Part-Time Employees – Health Benefits) regarding plans offered and pro-ration of benefits for part-time employees).
- An eligible dependent is (as defined in each plan document/summary plan description):
 - Either the employee's spouse or domestic partner; or
 - A child based on your plan's age limits or a disabled dependent child regardless of age.

18.2 Enrollment in County- Offered Health (Medical, Dental, Vision, Life Insurance) Plans

Election to enroll in a County offered health plan will take place within the first 31 days following date of hire to a permanently allocated position of .40 FTE or greater, or it will be made during an annual enrollment period. Enrollment in vision and basic life insurance is automatic. Mid-year enrollment can only be permitted as allowed by IRS Section 125 or as required by HIPAA or other applicable regulations.

The effective date of benefits will be the first of the month following date of hire or initial eligibility.

Effective the pay period beginning July 19, 2016 for coverage beginning August 1, 2016, health plan coverage will be paid on a semi-monthly basis (24 payments per year).

18.2.1 County Offered Medical Plan(s)

The County will offer at least three medical plans, the County Health Plan PPO, County Health Plan EPO, and Kaiser HMO Plan. The benefit provisions, co-payments, and deductibles of each plan are outlined in the Summary Plan Description or Evidence of Coverage. Specific reference to a vendor does not obligate the County to continue to offer a medical plan offered by a specific vendor. The County may change health insurance carrier(s) and/or network provider(s), provided the plan design(s) are substantially equivalent after notice to the Council as required by law.

18.2.2 County Contribution toward Active Employee Medical Benefits

The County shall contribute a flat dollar amount not to exceed \$229.98 biweekly (\$500 per month) toward the cost of any County offered medical plans for any eligible full-time regular employee and their eligible dependent(s).

This is the full and total contribution amount the County will contribute toward medical benefits for active regular employees and their dependent(s).

Effective the pay period beginning ~~July-October 2319, 2016~~ 2018, for the pay date of November 14, 2018, with the intent to have premiums paid in the pay period(s) required for coverage to be effective August 1, 2016, the County shall contribute up to maximum of the following amounts based on level of coverage for employees enrolled in County-offered medical coverage for any eligible full-time regular employee and their eligible dependent(s). The amounts listed below shall include

the conversion of the current County HRA contributions for active employees in Section 18.2.7 to medical contributions.

Employee only	\$557,629 per month (\$278,314.50 semi-monthly)
Employee plus one	\$1,143,125 per month (\$566,288.50 semi-monthly)
Family	\$1,575,177 per month (\$787,889.50 semi-monthly)

This is the full and total contribution amount the County will contribute toward medical benefits for active regular employees and their dependent(s).

~~Effective the pay period beginning May 23, 2017, with the intent to have premiums paid in the pay period(s) required for coverage to be effective June 1, 2017, the County shall contribute up to maximum of the following amounts based on level of coverage for employees enrolled in County-offered medical coverage for any eligible full-time regular employee and their eligible dependent(s).~~

Employee only	\$580 per month (\$290 semi-monthly)
Employee plus one	\$1,158 per month (\$579 semi-monthly)
Family	\$1,638 per month (\$819 semi-monthly)

~~This is the full and total contribution amount the County will contribute toward medical benefits for active regular employees and their dependent(s).~~

The County shall contribute to part-time eligible employees on a pro-rated basis, in accordance with Section 18.2.6 (Part-Time Employees – Health Benefits).

18.2.3 Dental Benefits

The County offers dental and orthodontic benefits to full- and part-time regular employees and their eligible dependent(s). Benefits, provisions, co-payments, and deductibles are outlined in the Evidence of Coverage.

The employee contribution shall be \$25.00 semi-monthly (\$50.00 per month). The semi-monthly deduction is effective the pay period beginning July 19, 2016 for coverage beginning August 1, 2016.

~~Effective the pay period beginning October 23, 2018, for the pay date of November 14, 2018 and continuing beyond the term of this MOU extension, unless and until otherwise changed by agreement by the County and WCE, the employee contribution shall be suspended for a total of fourteen (14) months, resuming January 8, 2020.~~

The County shall contribute to part-time eligible employees on a pro-rated basis, in accordance with Section 18.2.6 (Part-Time Employees – Health Benefits).

18.2.4 Vision Benefits

The County provides vision benefits to full-time active employees and their dependent(s) and offers computer vision care benefits to full-time active employees, with no employee contribution.

The County will pay the total cost of the premium for vision benefits for full-time active employees.

Part-time employees will automatically be enrolled in the vision benefit and the County shall contribute to part-time eligible employees on a pro-rated basis, in accordance with Section 18.2.6 (Part-Time Employees - Health Benefits).

18.2.5 Life Insurance

The County shall offer a basic term-life insurance plan in the amount of \$25,000 for an allocated full-time equivalent position of sixty (60) hours or more (0.75 FTE or more) with no employee contribution. Enrollment in basic life insurance is automatic, based on eligibility.

Effective August 1, 2016, the life insurance coverage amount for employees will be in an amount equal to one (1) times their annual base salary. Enrollment in basic life insurance is automatic, based on eligibility.

Each eligible and enrolled employee may purchase, through payroll deduction, dependent coverage of \$5,000 for each eligible dependent. Benefit provisions are outlined in the Schedule of Insurance or Group Insurance Policy.

Eligible employees may purchase additional life insurance for themselves at their own expense upon initial eligibility or during the annual open enrollment period specified in Section 18.2 (Enrollment in County Offered Health (Medical, Dental, Vision, Life Insurance) Plans). Employees may purchase supplemental coverage in increments one times (1X) to four times (4X) their annual base salary to a maximum of \$500,000 (basic + supplemental), in accordance with the insurance carrier's policy. Participating employees and the County will be required to follow the insurance company's contracted requirements with respect to maximum amounts and the necessity for evidence of insurability in order to be eligible to receive the benefit as may be amended from time to time and may be based on actual participation by County employees in the program. An employee enrolled in supplemental coverage who moves from one age bracket to the next higher bracket will have to pay the rate of the higher age bracket beginning the January of the year the employee moves to the higher age bracket.

18.2.6 Part-Time Employees – Health Benefits

Part-time employees in allocated positions of thirty-two (32) hours or more biweekly (0.40 FTE minimum) shall be eligible to participate in the County's medical, dental, and vision plans and the County's contribution toward their premiums shall be pro-rated. Pro-ration shall be based on the number of paid status hours in the pay period, excluding overtime and including periods of qualified FMLA and CFRA leaves without pay.

Except for part-time (0.75 FTE+) employees referred to in Section 18.2.6, part-time employees shall not be eligible to participate in the County's life insurance program.

18.2.7 Health Reimbursement Arrangement (HRA) Contribution

Effective the pay period beginning on July 19, 2016, the County shall cease contributions to the HRA accounts described in this section. Effective the pay period beginning July 19, 2016, the County will instead convert such HRA contributions into medical insurance premiums as described in 18.2.2.

Between July 1, 2016 and July 18, 2016, all eligible full and part time employees, as defined in Article 4, enrolled in a County sponsored medical plan will receive a contribution into a Health Reimbursement Arrangement (HRA) and can participate in the HRA plan based on County medical plan enrollment as described herein. Eligible employees who waive medical coverage and are not enrolled in a County sponsored medical plan will not receive a contribution into the HRA.

The County will contribute the amount specified in the table below, per paid status hour to a maximum of 80 hours per biweekly pay period. The County will contribute to eligible part-time employees on a pro-rated basis in accordance with Section 18.2.6.

EFFECTIVE 5/12/2015 – 7/18/16

Coverage Level	Per Paid Status Hour	Monthly Equivalent
EE +1	\$ 0.97	\$ 169
EE + 2	\$ 2.67	\$ 465

County contributions pursuant to this article will be available to Plan participants for reimbursement of eligible medical care expenses as incurred by an eligible employee or dependent(s) as defined under Internal Revenue Code Sections 105 and 106. Effective August 1, 2016, active employee post-tax medical premiums are not eligible for reimbursement.

HRA contributions made pursuant to this article are separate and apart from HRA contributions and benefit eligibility criteria for Retiree Medical for employees hired on or after January 1, 2009, pursuant to Section 19.3. The parties agree that the health benefits in this Article 18 are available only to active employees. When this MOU ends on July 1, 2018, the parties agree that the health benefits in this Article 18 are subject to negotiations for a successor MOU.

The County of Sonoma Health Reimbursement Arrangement (HRA) Plan Document will be amended to reflect the above HRA contribution and benefit eligibility criteria for active employees.

The County makes no representations or warranties in regard to the tax treatment of the HRA, including whether any portion of the HRA is taxable by the Internal Revenue Service or the Franchise Tax Board.

18.3 Employee Assistance Program

The County shall continue the current level of benefits under the Employee Assistance Program for all employees represented under this MOU for the term of this Memorandum.

Effective July 1, 2016, the Employee Assistance Program will be enhanced to six (6) face-to-face clinical consultations per incident per benefit period.

18.4 Long-Term Disability

The County shall provide and pay the premium for a Long-Term Disability (LTD) benefit as described in the applicable plan document to all full- and part-time employees (0.4 FTE minimum) who meet the eligibility requirements. The benefit waiting period is the longer of 60 days, or the period an employee elects to receive paid leave. Employees eligible to receive LTD benefits are not required to exhaust sick leave before receiving LTD benefits, but an employee who chooses to use sick leave or other paid leave after the 60th day of disability is not eligible to receive any LTD benefits until the employee stops using paid leave. LTD benefits cannot be supplemented with any paid leave. LTD benefits will be offset by any applicable income, such as, short-term disability benefits, retirement benefits, Social Security and Social Security Disability benefits, etc.

18.4.1 Long-Term Disability - Claims Dispute

The claims dispute process is described in the Summary Plan Description or Evidence of Coverage. The County Human Resource - Risk Management Division will assist employees with claims dispute processing.

18.5 Workers' Compensation Claims Dispute

Any dispute by an employee over a claim processed through workers' compensation shall be resolved solely through the appropriate appeal procedures of that system and may not be the subject of a grievance through this Memorandum.

18.5.1 Workers' Compensation Temporary Disability – Supplementing with Paid Leave

An employee not entitled to the benefits of Labor Code Section 4850 who is absent from work by reasons of industrial injury compensable by temporary disability, shall supplement such compensation with enough paid leaves to increase his/her gross earnings to equal his/her regular biweekly base salary as follows:

- All sick leave shall be taken until the remaining sick leave balance is forty (40) hours or less.
- Once the sick leave balance is forty (40) hours or less, the employee may elect to supplement by taking any combination of the remaining sick leave, vacation, and or compensatory time off up to his/her base salary.
- Employees whose sick leave balance is forty (40) hours or less may also elect not to supplement at all.

An employee shall accrue vacation leave and sick leave only during such portion of absence from work due to industrial injury for which the employee uses previously earned vacation leave, sick leave, or compensatory time off.

18.6 Health Benefits During Leaves of Absence - Non-Medical Leaves Without Pay

If an employee is on an unpaid absence or goes on leave without pay, either of which

reduces the employee's time in pay status to less than fifty percent (50%) of the employee's FTE in a pay period, the County will cease to pay its normal benefit contributions. The employee must pay the total benefit premiums if the employee desires to continue any coverage. If an employee is on an unpaid absence or goes on leave without pay, either of which reduces the employee's time in pay status to no less than fifty percent (50%) of the employee's FTE in a pay period, the County will continue to pay its normal benefit contributions.

18.7 Medical/ Pregnancy Disability Leave

When an employee exhausts all but forty (40) hours of sick leave and goes on medical or pregnancy disability leave without pay, the County will make its normal contribution to the employee's medical, dental, vision care, life insurance and LTD benefits for a period not to exceed thirteen (13) pay periods per disability. Beginning with the fourteenth (14th) pay period, the employee will be entitled to continued coverage through COBRA Continuation of Coverage and is responsible for making a timely election and paying the COBRA premiums by the due date. Prior to the exhaustion of the thirteen (13) pay periods the County will provide reasonable notice of the employee's obligations regarding the opportunity to continue employee-paid benefits.

An employee who returns to work from medical or pregnancy disability leave without pay prior to the exhaustion of the thirteen (13) pay periods of entitlement under this Article shall not have the 13 pay period entitlement reduced for any pay period in which the employee is in paid status for at least fifty percent (50%) of the employee's allocated full-time equivalent as specified in this Section 18.7 (Medical/Pregnancy Disability Leave).

If the employee returns to medical or pregnancy disability leave without pay for the same condition, the thirteen (13) pay period time frame will continue where it left off and will be reduced only for those pay periods when the employee's paid status hours fall below fifty percent (50%) of the allocated full-time equivalent. The County's thirteen (13) pay period leave without pay benefit entitlement shall run concurrent with FMLA/CFRA/CPDL.

The employee's entitlement under COBRA law begins when the employee is no longer eligible for a County contribution toward medical benefits. When the employee returns to fifty percent (50%) or greater of the employee's allocated full time equivalent in pay status, eligibility for a County contribution toward health benefits is regained. Benefit coverage begins the first of the following month.

18.8 Continuation of Health Benefits Coverage

An employee who is entitled to continued benefit coverage as specified in Section 18.6 (Health Benefits During Leaves of Absence - Non-Medical Leaves Without Pay) and Section 18.7 (Medical/ Pregnancy Disability Leave) above, must notify the ACTTC no later than five (5) County business days after the first day of the leave of absence, of the employee's intent to continue insurance coverage. A request for Leave of Absence form signed by the employee and his/her appointing authority shall be forwarded to the ACTTC's office when leave is authorized.

To assure continued insurance coverage, premiums shall be paid by the employee to the ACTTC's Office no later than the last day of the pay period or the date specified in the notice. If the employee fails to pay the premium by the due date, he/she will receive one (1) reminder notice. In order to prevent a lapse in coverage due to non-payment, the employee shall pay a twenty-five dollar (\$25.00) late charge in addition to the premium amount due by the date specified in the reminder notice. Only one reminder notice will be sent. If the employee fails to make proper payment within 30 days of the first due date, the employee's medical, dental, vision, life insurance, and Long Term Disability coverage shall be terminated. Coverage will not be reinstated until the first of the month following return to pay status.

18.9 Part-Time Employees-Health Benefits During Leave of Absence

Part-time employees shall be eligible to participate in the medical benefit plans and/or the dental plans on a prorated basis, as defined in Section 18.26 (Part-Time Employees-Health Benefits). For pay periods with no pay status hours, pro-ration shall be based on the employee's FTE.

18.10 COBRA

The County provides continuation of health benefits at group rates plus two percent (2%) as allowed by the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, including any applicable subsequent amendments or revisions where applicable.

18.11 Salary Enhancement Plans

IRS Section 414(h)(2)

All employees who belong to the retirement system shall have their wages adjusted according to Section 414(h)(2) of the Internal Revenue Code, which has the effect of deferring Federal and State income taxes on the employee's retirement contributions.

IRS Section 125: Premium Conversion

The County shall continue, under IRS Code Section 125, to administer a Health Care Premium Conversion Plan that allows eligible employees to make their required contributions towards health premiums with pre-tax dollars through payroll deduction. The County will make no contribution to this plan, however, it will bear the cost of administering this benefit.

Health Flexible Spending Account

The County provides a Health Flexible Spending Account (FSA) to enable eligible employees to set aside pre-tax dollars for reimbursement of employee's qualified medical expenses not reimbursed by the employee's health insurance plan and will be allowed to the maximum amount stipulated in the Plan and consistent with law.

Dependent Care Assistance Program

The County provides a Dependent Care Assistance Program subject to the limitations and maximums as stipulated under law.

All of the above plans will be administered by the County in accordance with applicable Federal and State laws as amended and, as such, will not be grievable or arbitrable.

18.12 Plan Documents and Other Controlling Documents

While mention may be made in this Memorandum of various provisions of benefit programs, specific details of benefits (including disputes and/or appeals) provided under County offered health plans, shall be governed solely by the various plan documents or insurance contracts and/or policies maintained by the County. The County will bear no responsibility for resolving disputes/appeals between an employee and a contracted health plan vendor. Within this Section, vendor refers to insurance company, Knox-Keene organizations licensed in the State of California to provide health benefits, benefits administration, or network management.

18.13 Labor Management Meetings – Health Benefits

Through the term of this Memorandum, upon request, the County and representatives of the Council, not to exceed four (4) in number, shall meet quarterly at mutually agreed upon times at the County to discuss informational matters of mutual concern relating to the County Health Plan and other health benefit related benefits. More frequent meetings may be held upon mutual agreement. If a meeting occurs during an employee council representative's regular work schedule, the employee can attend without loss of regular pay and benefits. Items and information to be discussed at each meeting shall be subject to advance mutual agreement. The parties acknowledge that these meetings and this provision shall not be subject to Article 33 (Grievance Procedure), to meet and confer requirements of the County Employee Relations Policy and Section 3505 of the Government Code.

18.14 Layoff – Medical Severance Coverage

For employees who continue to be laid off from County service, the County will make its usual medical insurance contribution for the first six (6) pay periods following layoff and one half (1/2) its normal contribution for the next six (6) pay periods following layoff. Eligible employees will be offered the opportunity to continue coverage through COBRA. If/when this medical severance is offered concurrently with COBRA continuation coverage, the eighteen (18) month COBRA continuation period shall be extended by each month of medical severance coverage to a maximum of twenty-four (24) total months.

18.15 Affordable Care Act Reopener

Upon request from the County, the parties will reopen Article 18, entitled "Health and Welfare Benefits for Active Employees" during the term of the agreement to address and any impacts on the obligation under Article 18 caused by the Affordable Care Act (ACA).

ARTICLE 19 - MEDICAL BENEFITS FOR FUTURE RETIREES

19.1 Retiree Medical Coverage

An eligible retiree and eligible dependent(s) (as defined below) may be enrolled in a County offered medical plan as described in Section 19.2 but is allowed only to enroll either as a subscriber in a County offered medical plan or, as the dependent spouse/domestic partner of another eligible County employee/retiree, but not both. If an employee/retiree is also eligible to cover their dependent child/children, each child will be allowed to enroll as a dependent on only one employee or retiree's plan (i.e., a retiree and his or her dependents cannot be covered by more than one County offered health plan).

An eligible dependent is (as defined in each plan document/summary plan description):

- Either the retiree's spouse or domestic partner; or
- A child based on your plan's age limits or a disabled dependent child regardless of age.

19.2 County Contribution toward Retiree Medical Plans - Employees Hired Before 1/1/2009

A. Eligibility: In order to be eligible for this benefit, the retiree must have:

- 1) Completed at least ten (10) years of consecutive regular full-time paid County of Sonoma service employment. The equivalent worked or purchased regular part-time County service time can be counted toward the ten (10) years. However, any miscellaneous purchased service time such as extra-help, contract, and leave of absence service time does not count toward this eligibility requirement, and
- 2) Have been a contributing member of the Sonoma County Employees' Retirement Association (SCERA) for the same time period, and
- 3) Retire directly from Sonoma County service.
- 4) Current retirees receiving a County contribution for retiree medical based on eligibility at the time of their retirement who do not meet the ten (10) year requirement as listed above are grandfathered in at the eligibility at the time of their retirement.
- 5) Laid-Off & Restored Employees: Employees who were employed by the County prior to January 1, 2009, but who were laid off thereafter shall be eligible for the benefits described in this Article 19.2 (County Contribution toward Retiree Medical Plans – Employees Hired Before 1/1/2009) provided that they are subsequently restored to County employment, pursuant to Civil Service Rule 11.4, rejoin the County retirement system, and are otherwise eligible for retiree medical benefits under this section. The break in service caused by the layoff shall be bridged upon restoration such that, although no service time is earned during the break, consecutive service is restored for eligibility for this benefit. To the extent allowed by law they shall not be eligible for the benefits described in Section 19.3 (County Contribution toward Retiree Medical Plans – Employees Hired On or After 1/1/2009, Effective 1/1/2009).

B. County Contribution. The County shall contribute toward the cost of County offered medical plans for any eligible retiree whether or not the retiree covers eligible dependent(s), ~~the same amount as it contributes toward the cost of County offered medical plans for active unrepresented administrative management employees (bargaining unit 50) in the Salary Resolution, but at no time during the term of this agreement shall the County contribution towards medical be less than \$500.00 a per month. Any additional medical contributions provided only to retirees along with any eligibility requirements to receive those contributions shall be conferred as prescribed in the Salary Resolution.~~ The retiree is responsible for all costs (including premiums) that exceed the total County contribution.

C. Additional Dependents. Retirees eligible under this section, may enroll eligible dependent(s) in the County offered medical plan elected by the retiree but the retiree is responsible for all premium costs in excess of the county's contribution.

19.3 County Contribution toward Retiree Medical Plans - Employees Hired On or After 1/1/2009, Effective 1/1/2009

For employees hired on or after January 1, 2009, the County shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into Health Reimbursement Arrangement (HRA) account, as described below. Any eligible retiree and eligible dependent(s), as defined below, may enroll in a County offered medical plan, but the retiree is responsible for all costs (including County offered retiree medical plan and Medicare Part B premiums).

A. Eligibility

- 1) An employee must have been a contributing member (or a contribution was made on their behalf) of the Sonoma County Employees' Retirement Association (SCERA) for the eligibility period described below.
- 2) Regular full-time employees and part-time employees in an allocated position of 0.5 full-time equivalent or greater, hired on or after January 1, 2009 are eligible to receive a County HRA contribution, if they have completed two (2) full years of consecutive Sonoma County regular service (excluding overtime) in pay status.
- 3) If an employee separates employment before meeting the eligibility requirement, the employee shall receive no benefit.
- 4) Laid-Off & Restored Employees: Employees who were employed by the County on or after January 1, 2009, but who were laid off thereafter shall be eligible for the benefits described in this Article 19.3 (County Contribution toward Retiree Medical Plans – Employees Hired On or After 1/1/2009, Effective 1/1/2009) provided that they are subsequently restored to County employment, pursuant to Civil Service Rule 11.4, rejoin the County retirement system, and are otherwise eligible for retiree medical benefits under this section. The break in service caused by the layoff shall be bridged upon restoration such that, although no service time is earned during the break, consecutive service is restored for eligibility for this benefit. .

B. County Contribution

- 1) Initial County Contribution:
 - a. On the first pay date following completion of the eligibility requirements, regular full-time employees shall receive a lump sum contribution of \$2,400 deposited into an HRA account established in their name. Thereafter, contributions will be made each pay period based on the actual hours worked during that pay period.
 - b. The lump sum contribution amount for regular part-time employees shall be pro-rated based on their allocated position only (e.g., a regular employee in a 0.5 full-time equivalent allocated position will receive a lump sum contribution of \$1,200 deposited into their HRA account).
- 2) Regular County Contribution:

After the initial contribution (defined above) is made, the County shall contribute \$0.58 per pay status hour (no more than eighty (80) hours biweekly), not

including overtime, for each eligible employee. For a full time employee, this equates to approximately \$100 per month or \$1,200 per year, after the initial eligibility period is met.

- 3) Access to Account Balance:
 - a. Participants may access the balance in their HRA account upon termination of employment and attainment of age 50, or upon retirement from the Sonoma County Retirement System, whichever is earlier.
 - b. Participants may defer accessing the account balance to any time beyond the earliest date described in (a).
 - c. Amounts that remain in the account balance are available to reimburse the participant for the same permitted medical expenses for the spouse and any other dependent covered under the retiree medical plan, however, federal regulations do not permit the inclusion of expenses for domestic partners.

- 4) Survivors of eligible retirees with account balances:
 - a. Spouses and eligible dependent children or dependent adults that are disabled may continue to access account balances after the death of the retiree.
 - b. Domestic partners are not permitted access to the account balances of the participant by virtue of restrictions in the federal regulations that govern these types of accounts.

- 5) Forfeiture of account balance:
 - a. If an active employee dies prior to retirement, the amount of account balance is available to participating spouses and dependents to reimburse them for medical expenses permitted under the relevant section of the Internal Revenue code.
 - b. Account balances in part or in total for active participants or retirees without any eligible spouse or dependent or unused account balances after the death of the last eligible spouse or dependent will be forfeited and returned to all other active and retired participants in the form of a dividend allocated in direct proportion to the amount to be distributed divided by the total account balance for all participants applied to each individual account balance. These distributions will occur within one hundred twenty (120) days after the annual certified audit of the plan is submitted to the administrator and the County.

This benefit will be subject to regulation under Section 105(b) of the Internal Revenue Code and subject to revenue rulings for these types of plans as promulgated.

19.4 Surviving Dependent – County Contribution for Employees Hired Before 1/1/2009

Upon the death of a retiree enrolled in a County offered retiree medical plan, the County will continue to pay the County's contribution toward the medical plan premium costs as follows:

One eligible surviving dependent will be allowed to continue their coverage if the surviving dependent meets each of the following criteria:

1. Has been an eligible dependent of a retiree who was eligible to receive a contribution toward a County offered retiree medical plan under Sections 19.2 prior to the death of the retiree, and
2. Either be enrolled or have waived coverage at the time of the retiree's death.

Any additional surviving eligible dependent(s) enrolled under the retiree's medical plan at the time of the retiree's death, may continue participation in the County offered medical plan but remain responsible for all premium costs in excess of the county contribution.

19.5 Surviving Dependents

County Contribution for Employees Hired On or After 1/1/2009 Upon the death of a retiree enrolled in the Defined Contribution retiree medical benefit plan (as defined in Section 19.5), eligible surviving dependents may continue participation in the County offered medical plan but remain responsible for all costs (including premiums).

To be eligible, a surviving dependent must either be enrolled or have a waiver on file with the County, at the time of the retiree's death.

This benefit will be subject to regulation under section 105(b) of the Internal Revenue Code and subject to revenue rulings for these types of plans as promulgated.

19.6 Additional HRA - Eligibility

- 1) An employee must be a contributing member (or a contribution is made on their behalf) of the Sonoma County Employees' Retirement Association (SCERA).
- 2) Regular full-time employees and part-time employees in an allocated position of 0.5 full-time equivalent or greater are eligible to receive a County HRA contribution.

19.6.1 Additional HRA-Biweekly Contribution

Effective February 23, 2010, through August 5, 2013, (end of pay period closest to Board adoption) for each eligible employee in paid status, the County contributed ten dollars (\$10) each pay period into each employee's individual HRA account.

19.6.2 Additional HRA-Access to Account Balance, Survivors, and Forfeiture

Parameters for the HRA including access to the HRA account balance, survivors of eligible retirees with account balances, and forfeiture of account balance in the event an active employee dies prior to retirement are as described in the HRA Plan Document.

19.6.3 County HRA Contribution – Full Obligation

For bargaining unit members hired on or after January 1, 2009, the County contributions to the employee's County HRA account described in Section 19.3 (County contribution toward Retiree Medical Plans – Employees Hired On or After 1/1/2009), combined with the County's former contribution to the HRA as described

in 19.6.1 (Additional HRA-Biweekly Contribution), constitute the County's entire obligation towards medical benefits upon termination and/or retirement and the parties agree that no other retiree medical benefits exist.

19.6.4 Additional HRA – Determination of Intent

In the event that any court, arbitrator, administrative agency, or other tribunal of competent jurisdiction determines that any of the contributions described in Section 19.6.1 (Additional HRA-Bi-Weekly Contribution) are to be included in calculating the County's contribution toward retiree medical insurance for any retiree(s), then the contributions described in Section 19.6.1 (Additional HRA-Bi-weekly Contribution) shall be held in abeyance and the parties shall meet and confer on the matter to preserve the intent of the parties in an attempt to reach an agreement to preserve the benefits negotiated in Section 19.6.1 (Additional HRA-Bi-weekly Contribution).

19.6.5 Waiver

In consideration for the supplemental HRA benefits provided in Section 19.6 (Additional HRA – Eligibility), the Council on behalf of itself and its current members/survivors as of January 12, 2010, waives any cause of action based on County conduct regarding retiree medical benefits from April 1, 2007 through August 5, 2013 (end of pay period closest to Board adoption). Unless compelled by operation of law, the Union further agrees it will not initiate, financially support, or participate in any grievances, claims, demands, or suits against the County resulting from or in connection with the matters described herein.

19.6.6 For active employees enrolled in a County sponsored medical plan, the County will make a one-time transfer of the funds contributed under this section 19.6 into the active employee HRA account when administratively feasible.

The County makes no representation or warranties in regard to the tax treatment of the HRA, including whether any portion of the HRA is taxable by the Internal Revenue Service or the Franchise Tax Board.

ARTICLE 20 - HOLIDAYS

20.1 Holidays - Paid

The County shall provide full-time and part-time County employees the following paid holidays provided that the employee is in paid status on the employee's regularly scheduled workdays before and after the holiday.

- (1) New Year's Day, January 1*
- (2) Martin Luther King, Jr's Birthday, the third Monday in January
- (3) Lincoln's Birthday, February 12*
- (4) President's Day, the third Monday in February
- (5) Memorial Day, the last Monday in May
- (6) Caesar Chavez Day, March 31*
- ~~(6)~~ Independence Day, July 4th*
- ~~(7)~~ Labor Day, the first Monday in September
- ~~(8)~~ Veteran's Day, November 11*

- (910) Thanksgiving Day, as designated by the President
- (1011) The day following Thanksgiving Day
- (1112) Christmas Day, December 25*
- (1213) Each day declared by the Governor of the State of California and formally recognized by the Board of Supervisors of the County of Sonoma as a day of mourning, Thanksgiving or special observance.

* Date Specific Holidays

20.2 Holidays - Observed

If a date-specific holiday listed in Section 20.1 falls on a Saturday, the preceding Friday shall be the County observed holiday. If a date-specific holiday listed in Section 20.1 falls on a Sunday, the following Monday shall be the County observed holiday. All other date-specific holidays listed in Section 20.1 shall be observed on the date specified in Section 20.1.

20.3 Holidays - Compensation Full-Time – Employees Not Scheduled to Work

A full-time employee whose assigned work schedule does not include either the date specific holiday or the observed holiday, shall elect to receive eight (8) hours of paid holiday or eight (8) hours of compensatory time in accordance with Section 12.6. All other full-time employees whose regular assigned work schedule includes the date-specific holiday or the observed holiday shall receive their regular eight (8) hours pay at their base hourly rate of pay.

This paid holiday benefit shall be reduced proportionally by any unpaid time in the pay period in which the holiday falls.

20.4 Holidays - Compensation - Working on Holidays

The County shall compensate an employee who actually works on either the date-specific holiday or the County “observed” holiday listed in section 20.1 at the overtime rate. The County shall compensate an employee who works on both the date-specific holiday and the related County observed holiday listed in section 20.1 at the overtime rate for one holiday and at straight time based on the employee’s base hourly rate of pay for the other holiday. Unless required by law, only one (1) day shall be paid at the overtime rate of pay.

20.5 Part-Time Employees

For each holiday listed in Section 20.1, each part-time employee shall receive holiday pay equivalent to one-tenth (0.1) of an hour for each hour regularly scheduled to be worked based on the employee's ongoing work schedule. If the employee's total hours in paid status (excluding the holiday benefit) exceeds the hours regularly scheduled to be worked, the employee shall receive holiday pay equivalent to one-tenth (0.1) of an hour for each hour in paid status (excluding the holiday benefit). This holiday pay shall not exceed eight (8) hours for each holiday nor, for a part-time employee, be less than three and two-tenths (3.2) hours for each holiday in the pay period.

20.6 Holidays - Compensation – Employees on Leave Without Pay

An employee on leave without pay who has paid leave remaining (including vacation, sick leave or compensatory time), shall not be permitted to use that paid leave to demonstrate

that the employee was in paid status on the employee's regularly scheduled workdays before and after the holiday as required by section 20.1.

20.7 Floating Holiday

Each regular, full-time employee will be granted eight floating holiday hours each calendar year. The employee must be in paid status on the employee's regularly scheduled workdays before and after using the floating holiday. The timing of the employee's use of the floating holiday shall be subject to advance approval of the Department Head or designee. The floating holiday hours may be taken at any time during the calendar year, but may not be carried over into the next calendar year. Further, there will be no cash out of floating holiday hours. Floating holiday hours must be taken in no less than 1/10 of an hour increments. Each part-time employee shall be entitled to a prorated number of hours based on allocated FTE at the time of the annual calendar year allocation.

ARTICLE 22 - SICK LEAVE

22.1 Sick Leave Benefit For Employees in Allocated Positions

22.1.1 Accrual Rate

Each full-time employee in a regular, allocated position shall accrue and accumulate sick leave at the rate of 3.680 in-service hours for each completed eighty-hour (80) paid in-service hours. In-service hours include all hours in pay status excluding overtime. This accrual rate shall be adjusted to reflect any unpaid time in each pay period. Part-time employees, in allocated positions, shall be eligible to receive sick leave on a pro-rata basis. Usage and accrual of said benefits shall be governed by the same rules and regulations applicable to full-time employees.

22.1.2 Accrual – Restoration of Accrued Time:

When an employee separates from County employment, and returns to County employment within one year from the separation date, any accrued sick leave remaining on account will be restored to the employee upon rehire, provided the accrued leave was not otherwise used, paid out, converted to Extra Help sick leave, or converted to service credit. If the termination date is in the middle of the pay period, end of pay period date will apply.

22.1.3 Change in Employment Status – Extra Help to Allocated

Extra Help to Allocated Position:

For an Extra Help employee who begins an allocated assignment within one year of separation from an Extra Help assignment, any accrued and unused Extra-Help sick leave hours on account will carry forward with the employee. If the separation date is in the middle of the pay period, pay period end date will apply. Hours carried forward may be used, subject to the following restrictions:

1. Extra Help sick leave hours must be used prior to using sick leave accrued as a regular employee;
2. Extra Help sick leave hours have no cash value; and
3. Extra Help hours are not eligible for conversion to service credit at regular retirement (pursuant to Section 22.5).

22.2 Sick Leave Use

Earned sick leave credits may, with the approval of the department head, be used by the employee, as outlined below:

22.2.1 Sick Leave Use – Non-FMLA/CFRA/PDL Leave:

Accrued sick leave for incidents other than FMLA/CFRA/PDL qualifying events may be used as follows:

- a. Employee Illness: During the employee's own incapacity due to illness or injury;
- b. Employee Treatment or Examination: during the time needed by the employee to undergo medical or dental treatment or examination;
- c. For Care of a Family Member: For diagnosis, care or treatment of an existing health condition of, or preventative care for the employee family member. For leave under this section 22.2.1, "family member" is defined as a:
 1. Child (defined as biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in place of a parent, regardless of age or dependency status);
 2. Parent (defined as a biological, foster, or adoptive parent, step parent, or other person who stood in place of a parent to the employee or the employee's spouse or domestic partner when the employee was a child. A biological or legal relationship is not necessary for a person to have stood in place of a parent to the employee as a child.)
 3. Employee's spouse or registered domestic partner, as defined in Article 4 of the MOU;
 4. Grandparent, grandchild, or sibling of the employee or the employee's spouse or registered domestic partner, as defined in Article 4 of the MOU.

Sick leave use for family members listed in this section 22.2.1(C) shall not exceed forty-eight (48) hours per occurrence unless extended by joint action of the employee's Department Head and the Director of Human Resources by reason of exceptional hardship. "Occurrence" means per illness or related incidents. The 48 hours do not have to be consecutive.

California "Kin Care" (Labor Code 233) provides that an employee may use an amount of paid sick leave each calendar year that is equal to the amount of time that would normally accrue in a six month period, and may be used in the same manner as other sick leave as described in this section 22.2.1. Kin Care provisions run concurrent with other protected leaves and do not extend the maximum period of leave to which the employee is entitled to under FMLA or CFRA.

- d. Domestic Violence, Sexual Assault, or Stalking: When an employee is a victim of domestic violence, sexual assault or stalking, sick leave may be used for the following purposes: to work to obtain or attempt to obtain any relief, including but not limited to, a temporary restraining order, restraining order, or other injunctive

relief, to help ensure the health, safety, or welfare of the employee or the employee's child(ren); to seek medical attention for injuries caused by domestic violence, sexual assault or stalking; to obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking; to obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; to participate in safety planning or take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation. Documentation may be required for approval of use of sick leave under this provision, pursuant to section 23.1.4 Documentation Requirement.

22.2.2 Sick Leave Use - FMLA/CFRA/PDL Qualifying Leave

In accordance with The Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and the Pregnancy Disability Act (PDA), earned sick leave credits may, with the approval of the Department Head, be used by an employee as follows:

- (a) Employee Illness: During the employee's own incapacity due to illness or injury.
- (b) Employee Treatment or Examination: During the time needed by the employee to undergo medical or dental treatment or examination.
- (c) Disabled by Pregnancy: When a woman employee is disabled by pregnancy, which means that, in the opinion of her health care provider, she is unable because of pregnancy to work at all or is unable to perform any one or more of the essential functions of her job or to perform these function without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- (d) Care of Family Member: When a child, spouse, domestic partner, who is a member of the employee's household or a person for whom the employee is entitled to a Federal Income Tax dependent exemption, or the employee's parent, is incapacitated by an illness or injury and it is necessary for the employee to care for such child, spouse, domestic partner, or parent. Child is defined as biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in place of a parent, who is either under 18 years of age or an adult dependent child. An adult dependent child is an individual who is 18 years of age or older and who is incapable of self-care because of a mental or physical disability within the meaning of Government Code section 12926(j) and (l).

(Parent for purposes of this Section is defined as biological, foster, or adoptive parent, step parent, a legal guardian, or other person who stood in place of a parent to the employee when the employee was a child. A biological or legal relationship is not necessary for a person to have stood in place of a parent to the employee as a child. Parents does not include parent-in-law).

For FMLA/CFRA qualifying events to care for a covered family member

incapacitated by injury or illness, employees are allowed to use up to 480 hours of accrued sick leave per eligible event, and not to exceed the number of hours authorized by medical certification. CFRA bonding leave does not qualify for use of sick leave.

Information on FMLA/CFRA/PDL eligibility, documentation, and benefit and pay status is provided under Section 22.6 – Family Care and Medical Leave under FMLA/CFRA.

22.3 Required Documentation

22.3.1 Annual Period:

The “annual period” is a calendar year. For new employees who begin mid-year, the annual period begins on the employee’s first day of work, restarts on January 1, and runs on a calendar year basis thereafter.

22.3.2 First Forty-Eight Hours:

The first 48 hours, or number of hours equal to 6 days of an employees regular schedule (whichever is greater), of accrued sick leave used by an employee in an annual period will be applied to and subject to the provisions of the California paid sick leave laws. During this period, if the need for paid sick leave is foreseeable, the employee shall provide reasonable advanced notice. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. If the County has reasonable suspicion of sick leave abuse, a signed medical certification may be required for each use of accrued sick leave to the extent permissible by law.

22.3.3 Subsequent Hours:

For use of accrued sick leave beyond the first 48 hours or number of hours equal to six (6) days in the annual period (consecutive or non-consecutive), as described above, a signed medical certification may be required. Reasonable medical certification of incapacity shall be required for sick leave use lasting more than forty-eight (48) consecutive work hours, and as required by law under CFRA eligible events.

22.3.4 Reasonable Certification

Reasonable certification may be required, within a reasonable time after the absence, when an unscheduled absence occurs to obtain relief if the employee is a victim of domestic violence, sexual assault, or stalking, in accordance with Section 22.2.1(d) of this Agreement. Such certification shall be treated as confidential. Certification may be provided directly to Human Resources and shall not be disclosed to any person except to the affected employee, or as provided by law.

22.3.5 FMLA/CFRA/PDL:

If use of accrued sick leave is for an FMLA, CFRA, or PDL qualifying event, medical certification is required, in accordance with the law, and as outlined in the Medical Leave Policy.

22.4 Sick Leave Distribution at Death or Layoff

The County shall pay each employee who separates from County service by death or layoff, the monetary equivalent of twenty-five percent (25%) of all unused sick leave remaining to such employee's credit as of the time of separation, computed on the basis of such employee's base hourly pay. Extra Help sick leave hours are not eligible this provision.

22.5 Sick Leave Conversion/Distribution at Retirement

- (a) Conversion at Regular Retirement: Only an employee separating from County Service on regular, non-disability retirement shall convert one hundred percent (100%) of all unused sick leave remaining to such employee's credit at the time of retirement to retirement service credit as provided by Government Code Section 31641.03. Extra Help sick leave hours are not eligible for conversion to retirement service credit.
- (b) Distribution at Disability Retirement: The County shall pay each employee separated from County service by a disability retirement at such employee's base hourly rate for all unused sick leave remaining to such employee's credit as of the time of separation. The County shall not pay an employee under this section for any sick leave hours donated to the employee by other employees under a catastrophic leave benefit. Extra Help sick leave hours are not eligible for this provision.
- (c) Payoff at Regular Retirement: For each employee who separates from County service on a regular, non-disability retirement, who reaches 100% of the retirement benefit allowed by law, and who is prevented by law from converting some or all of the employee's remaining unused sick leave to service credit under Section 22.5 (Conversion at Regular Retirement), the County shall pay the employee the monetary equivalent of twenty-five percent (25%) of all unused sick leave retaining to such employee's credit at the time of separation, computed on the basis of the employee's base hourly rate of pay. Extra Help sick leave hours are not eligible for this provision.

22.6 Family Care & Medical Leave

Each eligible employee is entitled to family care and medical leave as provided by the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), as amended. The leaves under FMLA and CFRA will run concurrently to the extent permitted by law.

22.6.1 Eligibility

To be eligible for family care and medical leave, on the date on which leave is to begin, a full-time or part-time employee must have been employed by the County for at least twelve (12) months, which need not be consecutive, and have actually worked at least 1,250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave.

22.6.2 Family Care And Medical Leave Entitlement

Subject to the provisions of this MOU, County policy, and state and federal law, including the federal FMLA and the CFRA, an eligible employee is entitled to a total of

twelve (12) workweeks of unpaid leave during any twelve (12) month period for any one, or more, of the following reasons:

- 22.6.2.1 The birth of a child and to care for the newborn child (FMLA and CFRA);
- 22.6.2.2 The placement with the employee of a child for adoption or foster care and care for the newly placed child (FMLA and CFRA);
- 22.6.2.3 To care for the employee's child, parent, spouse, or domestic partner (CFRA only) who has a serious health condition. (Child is defined as biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in loco parentis who is under 18 years of age or an adult dependent child. Parent is defined as biological, foster or adoptive parent, stepparent, or legal guardian. Parent does not include a parent-in-law under this provision.)
- 22.6.2.4 Because of an employee's own serious health condition that makes the employee unable to perform the functions of the employee's position, except for disability on account of pregnancy, childbirth, or related medical conditions, which is covered by pregnancy disability leave. (Pregnancy disability counts toward only California Pregnancy Disability Leave (PDL) and FMLA leave.)
- 22.6.2.5 Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a U.S. National Guard or Reserve member on active duty (or has been notified of an impending call or order to active duty status) in support of a contingency operation (FMLA only).

The twelve (12) month period for FMLA/CFRA purposes is determined by a "rolling" twelve (12) month period measured backwards from the date an employee first uses FMLA/CFRA leave.

22.6.3 Family Care And Medical Leave To Care For A Covered Servicemember With A Service Injury Or Illness

Subject to the provisions of this MOU, County policy, and state and federal law, including the FMLA, an eligible employee may take FMLA leave to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. This 12 month period used under FMLA/CFRA to determine sick leave eligibility is separate from the "annual period" defined in 22.3.1)

- 22.6.3.1 A eligible employee's entitlement under Section 22.6.3 is limited to a total of twenty-six (26) workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness. The "single 12-month period" in which the 26-weeks-of-leave-entitlement described in this section begins on the first day an employee takes leave to care for the covered servicemember.

22.6.3.2 During the “single 12-month period” described above, an eligible employee’s FMLA leave entitlement is limited to a combined total of twenty-six (26) workweeks of FMLA leave for any qualifying reason.

22.6.4 Pay Status And Benefits

22.6.4.1 Except as provided in this Article, the family care and medical leave will be unpaid. The County will, however, continue to provide County contributions toward the health plan premium during the period of family care and medical leave for up to twelve (12) work weeks on the same basis as coverage would have been provided had the employee not taken family care and medical leave. The employee will be required to continue to pay the employee’s share of premiums payments, if any.

22.6.4.2 Nothing in this Section shall preclude the use of medical or pregnancy disability leave in Section 18.7 (Medical/Pregnancy Disability Leave) when the employee is medically incapacitated or disabled. If an employee does not qualify for continued benefits under this Section 22.6. or Section 18.7 (Medical/Pregnancy Disability Leave) and the employee wishes to continue benefit coverage, then Section 18.8 (Continuation of Health Benefits Coverage) applies.

22.6.5 Relationship Of Family Care And Medical Leave To Other Leaves

Any leave of absence that qualifies as family care and medical leave and is designated by the County as family care and medical leave will be counted as running concurrently with any other paid or unpaid leave to which the employee may be entitled for the same qualifying reason. Section 22.7 identifies accrued paid leave which an employee may be required to use concurrently with unpaid family care and medical leave.

22.6.6 Relationship To Pregnancy Disability Leave

The family care and medical leave provided under this section is in addition to any leave taken on account of disability due to pregnancy, childbirth, or related medical conditions for which an employee may be qualified under state law.

22.6.7 Notice To The County

22.6.7.1 The employee must provide written notice to the County as far in advance of the leave as possible and as soon as the employee reasonably knows of the need for the leave. If the need for the leave is foreseeable based on an expected birth, placement of a child for adoption or foster care or planned medical treatment, the notice must be provided at least 30 calendar days in advance of the leave, or if not reasonably known 30 calendar days before the leave, then as soon as reasonably practicable.

22.6.7.2 The written notice must inform the County of the reasons for the leave, the anticipated duration of the leave and the anticipated start of the leave.

22.6.7.3 The employee shall consult with the County and make a reasonable effort to schedule any planned medical treatment or supervision so as to minimize disruption to department operations.

22.6.8 Medical Certification

22.6.8.1 An employee's request for family care and medical leave to care for a child, a spouse, or a parent who has a serious health condition shall be supported by a certification issued by the health care provider of the individual requiring care. If additional leave is required after the expiration of the time originally estimated by the health care provider, the employee shall provide the County with recertification by the health care provider.

22.6.8.2 An employee's request for family care and medical leave because of employee's own serious health condition shall be supported by a certification issued by the employee's health care provider.

22.6.8.3 As a condition of an employee's return from leave taken because of the employee's own serious health condition, the employee is required to obtain certification from the employee's care provider that the employee is able to resume work.

22.6.8.4 Employees are required to use the medical certification forms available from the County Human Resources Department to meet the certification and recertification requirements of this section.

22.6.9 County's Response To Leave Request

It is the County's responsibility to designate leave, paid or unpaid, as family and medical leave-qualifying and to notify the employee of the designation.

22.6.10 Dual Parent Employment

Where both parents are County employees, allowable leave for the birth, adoption, or foster care placement of a child or the care of an employee's ill parent is limited to a total of twelve (12) work weeks in a 12-month period between the two employees. Their family care and medical leave entitlement is not limited or combined for any other qualifying purpose.

22.6.11 Employee's Status On Returning From Leave

Except as provided by law, on return from family care and medical leave, an employee is entitled to be returned to the same or equivalent position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee has no absolute right to return to the same position. Use of family care and medical leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA/CFRA leave.

22.6.12 FMLA/CFRA Procedures, Definitions, and Forms

A description of the required process and procedures to follow for intermittent leave and reduced leave schedules, forms to use when requesting family care and medical

leave, and applicable definitions are included in the County Medical Leave Policy and found on the County Human Resources Department website, and are available from the Human Resources Department. The provisions of this Article 22 are subject to Article 33, Grievance Procedure, of this MOU, but the County Medical Leave Policy is not subject to Article 33, Grievance Procedure, of this MOU.

22.6.13 This Section 22.6 shall be interpreted as the legal minimum family care and medical leave available to eligible employees. The County may grant additional leave without pay under this Section (22.6) provided it is consistent with the applicable provisions of the Sonoma County Civil Service Rules, County leave policies and other provisions of this memorandum.

22.7 Leaves of Absence Without Pay - Applies to All Leaves Without Pay

Employees will be required to use paid leaves before a leave of absence without pay as shown on the following table:

Paid leave is required to be used before Leave Without Pay (LWOP) is approved

Event	Sick	Vacation	CTO	Comment
During the employee's own incapacity due to illness or injury.	Yes. You may keep 40 hrs.	No	No	
During the time needed by the employee to undergo medical or dental treatment or examination	Yes. You may keep 40 hrs	No	No	
When a woman employee is disabled by pregnancy.	Yes. You may keep 40 hrs.	No	No	
When a family member is incapacitated by illness/injury and the employee must care for him/her, or for care, exam or treatment of a family member*.	Yes. You may keep 40 hrs.	Yes	Yes	May keep 40 hrs. Any combination of Vacation & CTO
Non-Sick FMLA/CFRA** qualifying event (e.g., child bonding)	No	No	No	
Section 16.5 - Education Leave	No	Yes	Yes	Must use all Vac. & CTO
Approved undisclosed reason or extended vacation	No	Yes	Yes	Must use all Vac. & CTO

*In the event an employee is eligible to receive Paid Family Leave to care for the serious health condition of a family member or to bond with a new child, they will not be required to use sick, vacation or CTO time, while receiving that benefit.

**Family and Medical Leave Act (FMLA)/California Family Rights Act (CFRA)

22.8 Paid Parental Leave

22.8.1 Eligibility

Effective 10/1/2018 for eligible events that occur on or after Board adoption, any permanent or probationary employee who has been continuously employed by the County for at least 12 months prior to the start of the leave shall be eligible for Paid Parental Leave (PPL) to use within 12 months of the following events:

- o Birth of a child of the employee, the employee's spouse, or the employee's domestic partner
- o Placement of a child with the employee's family for adoption or foster care

For the purposes of PPL, the definition of "parent" and "child" are as defined by the California Family Rights Act.

22.8.2 Benefit and Use

Eligible employees shall be granted 320 PPL hours to use within 12 months of the qualifying event.

PPL is based on a 12 month rolling calendar. No more than 320 PPL hours may be used in any 12 month period.

PPL is based on the employee's base hourly wage plus cash allowance. It is considered "paid status" for the purpose of merit, seniority, premiums, vacation and sick leave accrual, and County benefit eligibility and contributions.

PPL is pensionable and counts towards retirement service credit.

PPL may be used in a block of continuous time or as intermittent leaves as arranged in advance. Unless approved by the Director of Human Resources, PPL cannot be used retroactively.

Use of PPL shall not be cause for an employee to lose his/her current assignment on a permanent basis; however, assignments may be altered to accommodate the employee's or department's operational needs when working a reduced schedule.

An employee in a disability period following birth of a child must use sick leave down to 40 hours before using PPL.

22.8.3 Coordination of Benefits and Leaves

PPL can be fully integrated with any short-term disability or California Paid Family Leave program. STD and PFL will not reduce PPL leave entitlement. For time covered by FMLA/CFRA job protected leave for bonding, PPL must be used prior to other accrued leave or Leave Without Pay. If an employee has exhausted FMLA/CFRA entitlements, PPL must be used prior to Leave Without Pay for arranged leaves for the purpose of bonding. PPL does not need to be used when an employee is on leave for reasons other than bonding. To the extent CFRA leave is available, it will run concurrently with PPL.

22.8.4 Implementation

For qualifying events occurring after 10/1/2017, PPL may be applied to any remaining CFRA eligible bonding hours still available to the employee after the program effective date.

ARTICLE 45 – REOPENERS

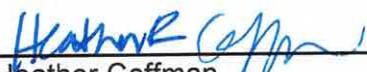
45.1 Reopeners

During the term of this MOU, the parties agree not to reopen any article of this MOU unless the parties mutually agree to reopen a specific section or article.

45.2 Favored Nations

If, during the term of this extension another bargaining unit other than 0049 (Board of Supervisors), 0050 (Administrative Management), and 0052 (Department Heads) receives an increase or improvement in compensation or other economic benefits that is greater than that agreed to by WCE, the County agrees to open the MOU and meet and confer on the subject of compensation as applied to WCE.

COUNTY OF SONOMA
SONOMA COUNTY WATER AGENCY

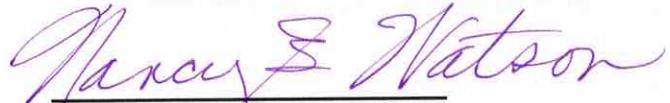


Heather Coffman
Liebert, Cassidy, Whitmore

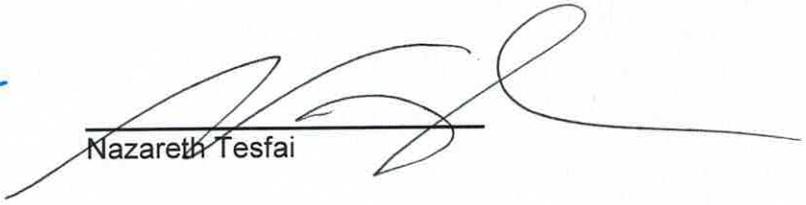


Jeremie Jenkins

WESTERN COUNCIL OF ENGINEERS



Nancy Watson



Nazareth Tesfai

(Signed Document on File with Employee Relations)



100 Montgomery Street Suite 500 San Francisco, CA 94104-4308
T 415.263.8283 www.segalco.com

Andy Yeung ASA, MAAA, FCA, EA
Vice President & Actuary
ayeung@segalco.com

VIA E-MAIL AND USPS

October 17, 2018

Ms. Julie Wyne
Chief Executive Officer
Sonoma County Employees' Retirement Association
433 Aviation Boulevard, Suite 100
Santa Rosa, CA 95403-1069

**Re: Sonoma County Employees' Retirement Association (SCERA)
Disclosure under Government Code Section 31515.5 in compliance with
Section 23026 – WCE**

Dear Julie:

As requested, we are providing this letter with our analysis of the impact of several proposed changes in elements of pay and their potential impact on cost to provide benefits through SCERA as required under California Government Code Section 31515.5 in compliance with Section 23026.

BACKGROUND

We have been asked to prepare a Disclosure for the above Government Code Sections regarding salary changes proposed for 45 General County members covered under Western Council of Engineers (WCE). The proposed changes in salaries and benefits that we have reviewed were provided by the County and are outlined in Exhibit 1 attached.

Prior to authorizing changes in salaries or benefits, we understand that the above Government Code Sections require certain disclosures be provided, including an explanation of the financial impact that the proposed benefit change or salary increase will have on the funding status of the county employees' retirement system.

RESULTS

After reviewing the proposed salary increases for employees covered under WCE as provided by the County and outlined in Exhibit 1, we have concluded that the assumptions applied in the December 31, 2016 Valuation to develop the employer costs for the 2018/2019 Fiscal Year for the General County membership group, are sufficient to cover the costs of the proposed salary increases under item 1 for this group. Further, the savings from the proposed salary increases

are sufficient to cover the increase in the County's normal cost contributions due to the paid parental leave under item 2.

The proposed salary increases under item 1, as described herein, would decrease the General County total employer and employee normal cost by approximately \$6,000 in the first year. When averaged over Plans A and B, a General County employee is expected to pay about 43% of the total normal cost¹, resulting in a decrease to the employer's normal cost contribution by roughly \$3,000. Additionally, the proposed salary increases would decrease the General County Unfunded Actuarial Accrued Liability (UAAL) by \$74,000, which translates to a decrease in the amortization payment by approximately \$5,000 in the first year, for a total employer contribution decrease of about \$8,000.

The proposed paid parental leave under item 2 would increase the General County total employee and employer normal cost contributions by approximately \$2,000 in the first year. When averaged over Plans A and B, a General County employee is expected to pay about 43% of the total normal cost, resulting in an increase to the employer's normal cost contribution by roughly \$1,000. The contribution decrease of about \$8,000 calculated above is sufficient to cover the increase in employer normal cost contributions due to the paid parental leave for a net total employer contribution decrease of about \$7,000.

ANALYSIS

Exhibit 1 (attached) outlines the proposed changes to the elements of pay. For those changes of pay elements that are deemed to increase pensionable pay, we have included our analysis below.

Elements of Pay Impacting Pensionable Salary

The employer costs developed in our Actuarial Valuation and Review as of December 31, 2016 includes a 3.50% annual wage growth assumption that is applied to project all future salary amounts for pension purposes.

In Exhibit 1 we have listed the two items and the associated increase in the proposed pensionable elements of pay. The total increase in General County salary for item 1 is expected to be approximately \$142,678. This is equivalent to \$3,171 each over the 45 General WCE positions that have been communicated to us by the County. Even though we do not have complete data as to the exact employees who would be eligible for the proposed changes, if we take the average salary increase stated above of \$3,171² and divide

¹ The 43% of the total normal cost expected to be paid by the General County employees reflects payment of 50% of the Normal Cost by Plan B members, however, for Plan A members it has been calculated prior to reflecting any additional contributions (i.e., above those determined under the County Employees Retirement Law of 1937 for Plan A members) that may have been agreed to be paid by those employees covered under WCE.

² These amounts have been calculated for 45 employees totaling 43 Full Time Equivalent employees.

it by the average General WCE member salary of \$109,487² (as provided by the County), we estimate an average increase in salary of 2.90% as a result of the proposed changes. This increase is less than our 3.50% wage increase assumption by 0.60%. Please refer to the Results section of this letter for the contribution decrease from these salary changes.

Also in Exhibit 1 we have listed the estimated increase in pensionable pay for item 2. In our December 31, 2016 Valuation, the normal cost rates have been calculated assuming all members would work prospectively on a full time basis. In practice, if members subsequently take an unpaid leave then the County would recognize a normal cost contribution savings during that time (as no such contributions would be made). Under the proposed paid parental leave, a portion of the leave that would previously have been unpaid will now be paid by the County. We have estimated this increase in pay to be \$12,304, as detailed in Exhibit 1. Since the total normal cost contribution for a General County member (weighted for Plan A and Plan B members) is 19.39%, then the additional total normal cost contributions as a result of this proposed increase would be approximately \$2,000. Please refer to the Results section of this letter for the derivation of the employer contribution increase due to the paid parental leave.

Elements of Pay Not Impacting Pensionable Salary

It is our understanding that SCERA and the County have rendered a determination that Items 3 and 4 in Exhibit 1 would not further increase a member's pensionable pay³ and Items 5 and 6 are non-pensionable elements of pay. Therefore, these items will not have any impact on the level of benefits and will not increase the employer cost of the plan.

The undersigned is a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Please let us know if you have any questions on this information.

Sincerely,


Andy Yeung

EK/gxk
Enclosure

³ By designating Items 3 and 4 as holiday time only changes the nature of the pay (from regular pay to holiday pay) but the pay itself will continue to be counted as pensionable.

Exhibit 1

Summary of Elements of Pay – WCE

Item	Elements of Pay Impacting Pensionable Salary		
		Eligible Employee Count	Estimated Amount
1	One time lump sum	General: 45	General ⁴ : \$142,678
2	Paid parental leave	General: 2.2	General ⁵ : \$12,304
	Elements of Pay <u>Not</u> Impacting Pensionable Salary		
3	8 hours of holiday time on Cesar Chavez day		
4	8 hours of floating holiday time each calendar year		
5	Increase in County's contributions for Medical Premiums		
6	Increase in County's contributions for Dental Premiums		

⁴ The estimated cost for item 1 was provided by the County.

⁵ The cost for item 2 has been estimated by Segal using the following data items and formula: (i) number of eligible employees expected to take this leave of 2.2 (as provided by the County) times (ii) the average General WCE member salary of \$109,487 (as provided by the County) times (iii) the ratio of the number of hours of paid parental leave to the full-time equivalent number of hours (i.e., eight 40-hour weeks over 2088 hours) times (iv) 33.3% (i.e., the amount of leave that would have otherwise been unpaid, as provided by the County).



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 4
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors & Board of Directors

Board Agenda Date: October 23, 2018

Vote Requirement: 4/5

Department or Agency Name(s): County Administrator's Office

Staff Name and Phone Number:

Peter Bruland (707) 565-3086

Supervisorial District(s):

Title: Fiscal Year 2018-19 First Quarter Budget Adjustments

Recommended Actions:

- A. Adopt a Concurrent Resolution adjusting the FY 2018-19 Budget Appropriations by \$69,967,397. (4/5 vote)
- B. Adopt a Resolution of the Sonoma Valley County Sanitation District adjusting the FY 2018-19 Budget by \$1,031,321 (2/3 vote)

Executive Summary:

Throughout the fiscal year many County Departments, Agencies and Districts experience the need to make adjustments to the revenues and/or expenditure appropriations in their budgets. In particular, many projects approved budgets are not spent before the close of the prior fiscal year, and projects must be re-budgeted in the new year to allow for continuation of capital projects and avoid interruption of services. As a result, the County Administrator's Office coordinates with all County departments and agencies on a quarterly basis to summarize and present a consolidated request for appropriations changes that align with prior Board direction. The proposed consolidated budgetary adjustments do not include any new programs or initiatives not previously approved by the Board.

This item adds a total of \$71.0 million of expenditures to the FY 2018-19 budget, including \$1 million in the Sonoma Valley County Sanitation District, bringing the total revised budget to \$1.87 billion. These increases are partially offset by \$34.8 million in revenues and reimbursements. Of these changes, the Sonoma County Water Agency and its affiliated districts account for \$47.5 million in expenditures and \$17.0 million in additional revenues and reimbursements, primarily tied to the re-budgeting of capital projects. Total changes in the General Fund amount to \$3.0 million in expenditures, primarily related to re-budgets of information systems projects using reserved prior year funds, and transfer of reserved Proposition 172 revenue to the Fire Services Fund.

Discussion:

The FY 2018-19 adopted budget totaled \$1.80 billion. This report includes recommendations to increase budgeted expenses by \$71.0 million. These adjustments are financed with revenues and reimbursements by \$34.8 million, as well as the use of accumulated non-General Fund balances and the use of \$3.1 million of balance from the general fund that was reserved at the end of FY 2017-18 for ongoing Information Systems projects, \$900,000, and for Fire Service improvements, \$2.1 million. This item draws down \$31,321 of contingencies that were approved by the Board for fee waivers and sponsorships between July 1, 2018 and September 25, 2018. If approved, the revised budget following this consolidated adjustment will be \$1.87 billion.

At the direction of the County Administrator, budget changes include only adjustments that are consistent with prior board direction. Details of the requested changes are included in Exhibit A of the attached Budget Resolution.

Of the total, \$3 million dollars reflect changes to General Fund portion of the budget. These primarily consist of:

- \$2.1 million in Proposition 172 revenue dedicated to Fire Services that was not spent from prior years is being transferred into the newly created Fire Service fund. This funding will pay for forthcoming improvements to the Fire Service system in Sonoma County as approved by the Board of Supervisors, based on recommendations from the Fire Services Implementation Ad Hoc.
- \$900,000 of re-budgets for information systems projects budgeted by various departments during FY 2017-18 for work to be done by the Information Systems Department. These re-budgets constitute projects that were not completed during the fiscal year. Funds for these ongoing projects were reserved during FY 2017-18 close.

The remaining \$67.9 million the largest contributors are:

- \$44.7 million to re-budget projects in the Sonoma County Water Agency that were fully budgeted in FY 2017-18, but for which work was not completed in that fiscal year.
- \$2.8 million in new appropriations for projects in the Sonoma County Water Agency that have prior board approval, including a \$1 million transfer from the Water Agency General Fund to Water Supply and Transmission for work on the Forecast Informed Reservoir Operations project and the Potter Valley Project Relicensing Program. Costs for these projects were not known in time for the FY 2018-19 adopted budget.
- \$4.7 million to re-budget projects in the Department of Health Services, including \$2.6 million in grant revenue and appropriations for Crisis Counseling and for Assistance Training, which funds multiple contracts with community organizations.
- \$2.6 million to re-budget Measure L appropriations that were not used in FY 2017-18 to award Tourism Impact grants and transfer of funds to support fire services and Auditor-Collector-Treasurer-Tax Collector program improvements that were not competed before the end of the fiscal year.
- \$5.3 million in appropriations for revenue and expenditures associated with debt service on the 2005 Tobacco Settlement Bonds that was not included in the adopted budget.

Prior Board Actions:

June 14, 2018: Fiscal Year 2018-19 Budget Adoption

Strategic Plan Alignment Goal 4: Civic Services and Engagement			
Periodic review of the County budget supports uninterrupted services to County residents, and provides fiscal transparency to the public.			
Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	0		
Additional Appropriation Requested	\$70,998,718		
Total Expenditures	\$70,998,718		
Funding Sources			
General Fund	\$3,079,436		
State/Federal	\$8,943,996		
Other	\$25,904,800		
Use of Fund Balance	\$33,039,165		
Contingencies	\$31,321		
Total Sources	\$70,998,718		
Narrative Explanation of Fiscal Impacts:			
Please Refer to Exhibit A for departmental budget changes by General Fund and Other funds.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Attachment 1 – Concurrent Resolution Attachment 2 – Resolution of the Sonoma Valley County Sanitation District Exhibit A – Details of adjustments			

Related Items "On File" with the Clerk of the Board:



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Concurrent Resolution Of the Board Of Supervisors of the County Of Sonoma, State Of California, of the Board Of Directors of the Sonoma County Community Development Commission, the Board Of Directors of the Agricultural Preservation and Open Space District, the Board Of Directors of the Sonoma County Water Agency, the Board Of Directors of the Occidental County Sanitation District; the Board of Directors, South Park County Sanitation District, and the Board Of Directors of the Russian River County Sanitation District Adjusting the Revised FY 2018-19 Budget and Position Allocations. (4/5 Vote Required.)

Whereas, the Board has adopted the Fiscal Year 2018-19 Budget for all Governmental Entities within its jurisdiction, in accordance with Section 29088 of the Government Code of the State of California, and

Whereas, the Government Code allows for adjustments to the Adopted Budget during the 2018-19 Fiscal Year.

Now, Therefore, Be It Resolved that the County Auditor-Controller is hereby authorized and directed to adjust the Fiscal Year 2018-19 Adopted Budget for the attached increases/decreases listed in Exhibit "A" and position allocation changes listed in Exhibit "B" for the governmental entities within its jurisdiction. Also, in order to reconcile financial data between the County's new systems, authorize the Auditor-Controller-Treasurer-Tax Collector and County Administrator to complete minor budgetary corrections that do not cumulatively increase spending authority in any one departmental budget.

Supervisors:

Gorin: Rabbitt: Zane: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

2/3 Vote Required

**Resolution Of The Board Of Directors Of The Sonoma Valley County Sanitation District
Adjusting the Revised FY 2018-19 Budget (2/3 Vote Required).**

Whereas, the Board has adopted the Fiscal Year 2018-19 Budget for all Governmental Entities within its jurisdiction, in accordance with Section 29088 of the Government Code of the State of California, and

Whereas, the Government Code allows for adjustments to the Adopted Budget during the 2018-19 Fiscal Year.

Now, Therefore, Be It Resolved that the County Auditor-Controller is hereby authorized and directed to adjust the Fiscal Year 2018-19 Adopted Budget for the attached increases/decreases listed in Exhibit "A" for the Sonoma Valley County Sanitation District Construction and Operations funds. Also, in order to reconcile financial data between the County's financial systems, authorize the Auditor-Controller-Treasurer-Tax Collector and County Administrator to complete minor budgetary corrections that do not cumulatively increase spending authority in any one departmental budget.

Directors:

Gorin:

Gore:

Agrimonti:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Description	Gross Expenditure Change	Revenue and Reimbursement Change	Net Cost Change
<u>Administrative and Fiscal Services</u>			
Auditor-Controller-Treasurer-Tax Collector - Other Funds			
Appropriate debt service and fee expenditures for the 2005 tobacco settlement bonds and to establish budget for the associated tobacco settlement proceeds funding the bond payments. On 9-27-05 the Board adopted Resolution No. 05-0832 authorizing issuance of the 2005 refunding bonds. This constitutes the normal payment on the debt service, but repayment amounts are variable due to the nature of the debt and thus were not included in the FY 2018-19 adopted budget.	5,282,000	5,282,000	-
Non-Departmental - General Fund			
Reduce Contingencies by \$31,321 to finance fee waivers and sponsorships approved by the Board of Supervisors during the first quarter of 2018-19, and increase appropriations in contributions by the same amount for no net change in appropriations.	-	-	-
Adjust appropriations in Non-Departmental to transfer \$60,000 to General Services, Capital Projects, for planning related to the Sonoma Development Center (5/8/18). Funding was originally added as a service cost in the Adopted Budget, and needs to be moved to the Other Financing Uses to transfer the funding to the appropriate Department. This action has no net change in expenditures but is needed to align with adjustments in receiving department.	-	-	-
Decrease transfer revenue and expenditure appropriations by \$500,000 in Non-Departmental - Other Financing Uses, related to a transfer from RDA Dissolution Distribution originally directed toward the General Fund. Funds are for vegetation management and were approved by the Board during the FY 2018-19 Budget Hearings (6/14/18). The transfer is being re-budgeted directly from the RDA Dissolution Distribution to Fire and Emergency Services - Fire Prevention, where expenses related to this program are being incurred. There is no change to the amount of funds being directed toward Vegetation Management.	(500,000)	(500,000)	
Transfer \$2,147,565 of Proposition 172 revenue dedicated to Fire Services in Prior Years and assigned at FY 2017-18 Year End to the newly-created Fire Services Fund for use on Board-approved Fire Service Project expenses. This item transfers existing allocations to a new fund for better tracking of the funds.	2,147,565	-	2,147,565
Non-Departmental - Other Funds			
Receive \$2,147,565 of Proposition 172 revenue dedicated to Fire Services in prior years and not spent into a new fund to better track the funding, and appropriate these funds for use on Board-approved costs to strengthen Fire Services in Sonoma County.	2,147,565	2,147,565	-

In order to match actions from the FY 2018-19 budget hearings, appropriate \$500,250 of Reinvestment and Revitalization funds to serve as reimbursement to Community Development Commission for programs that were approved in the budget hearings, including funding for Sonoma Valley Homeless Services, funding for a time-limited Disaster Recovery position which was included in approved position lists, and additional funding for technology upgrades. These projects and associated revenue and position were included in the Community Development Commission's adopted budget. Also, redirect a transfer of \$500,000 of Reinvestment and Revitalization funds approved in FY 2018-19 Budget Hearings for vegetation Management from Non-Departmental, General Fund, to Fire and Emergency Services - Fire Prevention to fund the program directly from the Department, as discussed above in Non-Departmental, General Fund. There is no net change associated with this transaction, but it is needed to match appropriations in the receiving department.	500,250	-	500,250
Increase appropriations in the Disaster Fund to reimburse the Volunteer Center of Sonoma County for costs associated with expanded 211 services related to the October 2017 wildfires and their aftermath. Information was not received until after year-end close, and thus could not be paid from FY 2017-18 funds. Sufficient funds remain in the Disaster Fund to incorporate this cost, and FEMA reimbursement is expected for this expense.	46,100		46,100
Increase appropriations in Dry Creek Tribal Development Impact Mitigation Contributions to re-budget unspent FY 2017-18 funds for Geyserville Fire Protection District's Community Preparedness Plan (2/27/2018), which will be disbursed in 18/19.	31,965	-	31,965

Non-Departmental - Community Investment Fund

Separate out of the operating Community Investment Fund the Measure L revenues and expenses into its own new budget unit. This change implements the Board approved policy to track voter approved Measure L increased Transient Occupancy Tax rate from 9% to 12%. Transaction is shown on following lines:			
Community Investment Fund:	(4,966,535)	(4,966,535)	
Community Investment, Measure L Fund:	4,966,535	4,966,535	-
Re-budget FY 2017-18 Measure L unused appropriations intended to award Tourism Impact grants, finance Fire Services, and support Auditor-Controller-Treasurer-Tax Collector program improvements which were not completed before the end of the fiscal year.	2,553,286	1,276,643	1,276,643

ISD Re-budgets - General Fund

Re-budget \$903,192 of prior year Information Systems Department (ISD) project expenditures with values for various departments as indicated below for work not completed in FY 2017-18, financed by designated General Fund balance established at fiscal year-end (6/15/2017).			-
Auditor-Controller-Treasurer-Tax Collector	6,680		6,680
Department of Agriculture/Weights & Measures	40,795		40,795
Clerk-Recorder Assessor	4,035		4,035
County Administrator	30,894		30,894
District Attorney	140,000		140,000
Fire and Emergency Services	45,525		45,525
General Services	98,326		98,326
Human Resources	1,517		1,517
Independent Office of Law Enforcement Review and Outreach	12,780		12,780
Permit Sonoma	60,007		60,007

Probation	439,452		439,452
Regional Parks	5,113		5,113
Sheriff's Office	18,068		18,068

Justice Services

Probation - General Fund

Establish expenditure appropriations and recognize offsetting revenue and reimbursement to implement the third year of the three-year Justice Mental Health Collaboration Planning Grant, Board action 11/15/16. This funding provides support of in-custody mental health case management services envisioned in the Sequential Intercept Mapping (Stepping Up Initiative). This adjustment includes the reimbursement of matching State funds of \$80,420 from the Local Innovation Fund included in below in "Other Fund" adjustments, plus \$136,391 of federal revenue from the Department of Justice.	216,811	216,811	-
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Probation - Other Funds

Establish appropriations in the County's Local Innovation Fund to recognize prior year 2011 Realignment growth revenue from the State, in order to provide a local match to the 2016 Justice Mental Health Collaboration Planning Grant discussed above and approved on 11/15/16. This funding provides support of in-custody mental health case management services envisioned in the Sequential Intercept Mapping (Stepping Up Initiative). The expenditure adjustment is a reimbursement to the General Fund in a corresponding budgetary adjustment above.	80,420	80,420	-
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Sheriff - General Fund

Appropriate additional revenues and expenditures to record expenses and offsetting insurance reimbursement related to restoring telecommunications functionality the County's Mt. Barham telecommunications site, which was damaged in the October 2017 wildfires. Disaster funds were approved on 3/20/2018, and this item re-budgets unused appropriations and trues up expected equipment costs.	142,836	142,836	-
Re-budget \$5,988 of unspent prior year funds and \$2,407 of newly donated funds from employee Physical Fitness Allowances contributed to purchase and maintain physical fitness equipment at the Sheriff's Main Office gym facility in accordance with the Deputy Sheriff's Association MOU (approved 3/15/2016, extended on 8/28/2018).	8,394	8,394	-
Program grant funding from the California State Parks, Division of Boating and Waterways, for the Sheriff's Marine Unit to remove abandoned recreational marine vessels from Sonoma County waterways (9/25/2018).	40,000	40,000	-

Health and Human Services

Department of Health Services - Other Funds

Increase appropriations to allow for budgets of previously approved and unspent grants, fee revenue, and state awards as follows: \$806,000 for Substance Abuse Prevention and Treatment Block Grant, \$75,000 for the restoration of Social Advocates for Youth contracted services, and \$5,000 for the Public Health Emergency Preparedness Base award (6/11/18 and 7/10/18).	885,701	885,701	-
Increase appropriations to allow for re-budget of a previously approved and unspent grant revenue for Crisis Counseling and for Assistance Training, which funds multiple community contracts. (BOS 6/5/18)	2,649,630	2,649,630	-

Increase appropriations to allow for re-budgets of previously approved and unspent grants and state awards as follows: \$116,771 for Proposition 56 Tobacco Funding, \$151,306 for Proposition 99 Tobacco Funding, and \$39,168 for Public Health Emergency Preparedness Hospital Preparedness Program. Funding for these projects was received in prior years and is reflected as Net Cost which represents draw down of accumulated balance. A variance of \$46,744 exists because a portion of the appropriation expenditures also flow through a special revenue account. (6/11/18).	560,170	299,669	260,501
Decrease transfer of funds in the 1991 Mental Health Realignment account due to the receipt of FY 16-17 State revenue in FY 18-19 which reduces the need to use fund balance. Program expenditures remain unchanged. The Department experienced delays in submitting cost reports to the State due to the fires and staffing changes (6/11/18).	(923,888)	-	(923,888)
Increase appropriations to allow for re-budgets of remaining costs that were previously approved to relocate behavioral health staff. The \$9,885 Net Cost Change will be covered by 1991 Mental Health Realignment Fund balance (6/6/17 and 11/7/17).	26,020	16,135	9,885
Increase appropriations to fund phase 2 of the ACCESS Sonoma Rapid Prototype contract with International Business Machines. The contract will be funded with Whole Person Care funds already in Fiscal Year 18-19 budget and by \$799,918 of Intergovernmental Transfer fund balance. The transfer of funds results in the additional revenue and expenditure appropriations needed. BOS 8/7/18 #2	1,599,836	799,918	799,918
Increase appropriations by \$250,000 for leasehold improvements for the building located at 625 5th Street. The Leasehold improvements will be funded from a Public Health operating account that is sourced by the Intergovernmental Transfer fund, and the transfer of the funds result in the additional appropriations for expenditures and revenue. BOS 9/11/18 #26	500,000	250,000	250,000
Increase appropriations to allow for re-budgets of previously approved and unspent grants and state awards for Sonoma Country First 5 as follows: \$53,740 for the Quality Rating and Improvement System Block Grants and \$547,596 for the Improve and Maximize Programs so All Children Thrive awards. The recognition of this rollover revenue enables a return to First 5 Fund Balance that was originally budgeted to these projects, leading to a decrease in net cost (6/11/18).	418,628	601,336	(182,708)
Increase appropriations to allow for re-budgets of previously approved and unspent grants and state awards as follows: \$28,881 for the Public Health Emergency Preparedness Laboratory Program, \$61,897 for the Proposition 56 Dental Funds, and \$271,421 for the California Accountable Communities Health Initiative. These revenues partially offset 1991 Health Realignment draw, which allows a return to Fund Balance (1/9/18).	165,143	263,671	(98,528)
Increase appropriations to fund 2.00 Systems Software Analysts in Administration, and 1.00 Director of Nursing in Public Health. These position allocations were added in the FY 2018-19 adopted budget, but related appropriations were inadvertently omitted. The cost of these positions is \$538,269. Each of these allocations will perform their work in the Health Services operating fund and are ultimately sourced by the 1991 Health Realignment Fund. The transfer of funds results in the apparent doubling of the costs, as well as the revenue (6/13/18).	1,076,538	538,269	538,269

Development Services

Community Development Commission - Other Funds

Increase appropriations to allow for the re-budget of previously approved and unspent Reinvestment and Revitalization funds designated to support Lower Russian River homeless services. (BOS 5/22/18, #12).	140,000	140,000	-
Increase appropriations from the First District's Tourism Impact funds to contract with Sonoma Overnight Support to provide homeless support services. (BOS. 7/10/18, #49)	30,000	30,000	-

Economic Development Board- Other Funds

Increase appropriations in the Economic Development Board budget for community grants, from a Blatt Family Foundation grant Creative Sonoma received in FY 2017-18 (approved by Board 1/23/18) that was inadvertently not carried over into the new year.	8,500	-	8,500
Increase appropriations to fund an agreement with Avalanche Consulting, Inc. in order to conduct outreach with countywide labor associations, as directed by the Board during the presentation of the Strategic Sonoma Action Plan at the July 10, 2018 board meeting.	12,800	-	12,800

Fire and Emergency Services - Other Funds

Increase appropriations to implement the Vegetation Management Program authorized by the Board during budget hearings. Funding was added to Non-Departmental budget during budget hearings and will be transferred to the Fire Prevention division of Fire and Emergency Services. Contracts associated with this work are on the 10/23/2018 agenda. (BOS 6/14/18. # 2)	500,000	500,000	-
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Transportation and Public Works - Other Funds

Re-budget for the purchase of and associated revenues for 4 paratransit minibuses that were ordered in FY 2017-18, but were not received by the end of the fiscal year, and the associated grant revenue.(10/24/2017 #25)	341,517	341,517	-
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Natural Resources and Agriculture**Agriculture/Weights and Measures - General Fund**

Increase appropriations by \$40,000 to update the Vineyard and Erosion Sediment Control Ordinance Best Management Practices Manual in line with minor revisions to the ordinance approved in January 2018 and by \$20,000 to implement job class specification updates. Funding for the changes will come from year end general fund savings of the department that was assigned during FY 2017-18 close of books.	60,000	-	60,000
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Regional Parks - Other Funds

Reduce appropriations in Mason's Marina by \$80,386 to adjust for FY 2017-18 encumbrances that rolled into FY 2018-19, but which was separately budgeted in FY 2018-19 (6/15/2017).	(80,386)	-	(80,386)
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University of California Cooperative Extension - General Fund

Increase revenues and appropriations associated with a grant from the USDA/Forest Service for education and outreach related to Sudden Oak Death. Grant was originally approved in FY 2015-16, and has been extended through FY 2018-19.	12,773	12,773	-
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Sonoma County Water Agency - Other Funds

<p>Sonoma Water General Fund, Sustainability Fund, and Internal Service Funds</p> <ul style="list-style-type: none"> •Transfer \$1,000,000 from Sonoma Water General Fund to Water Supply Fund for expenditures of \$350,000 to continue participation in Congressman Huffman's Ad Hoc Committee for the Potter Valley Project Relicensing Program to assist in securing our water supply (Board Adopted Budget, 6/15/17); \$603,000 for Board-supported ongoing federal advocacy program for Forecast Informed Reservoir Operations Project and other federal programs (Board Adopted Budget, 6/15/17), and to support water supply program by providing sufficient fund balance. • \$275,000 for implementation of a water-energy nexus education program with \$275,000 corresponding offsetting revenue from collaboration with the Sonoma Clean Power Authority (Board Item #06, approved 8/14/2018). • \$28,200 for asset management software services to assist in planning, tracking, and documenting asset maintenance (Board Item #3, 7/24/18). • Principal of \$2,216,757 to repay an advance from the Sonoma Water General Fund that was made to the Power Fund to support acquisition of electrical power assets and pay debt service (Board item 7/15/08, Res# 08-0628). • \$1,215,000 principal advance from the Facilities Fund to the General Fund for the Larkfield Estates sewer main extension in the burn area (Board Item 45, 6/5/18). •Re-budget \$3.3 million in expenditures and \$2.4 million in revenues for projects previously approved by the Board of Directors and not completed in FY 2017-18, including \$2.1 million in expenditures and revenues for the Advanced Quantitative Precipitation Information System Project, \$446,000 of expenditures for Supervisory Control and Data Acquisition software and hardware upgrades, and \$325,000 of expenditures and offsetting revenues for drainage review services, as well as \$417,000 for other various projects (6/15/17). 	4,629,120	2,667,052	1,962,068
<p>Flood Protection</p> <p>Re-budget \$2.5 million in ongoing flood protection projects approved by the Board of Directors and not completed in FY 2017-18, including \$1.7 million for stormwater projects to reduce flooding and provide watershed management benefits and \$670,000 for watershed partnership programs that fund critical habitat restoration and mitigation projects, implemented in part by the Sonoma County Youth Ecology Corps as well as other smaller projects (6/15/17).</p>	2,501,049	-	2,501,049
<p>Water Supply and Transmission</p> <ul style="list-style-type: none"> • \$350,000 to continue participation in Congressman Huffman's Ad Hoc Committee for the Potter Valley Project Relicensing Program to assist in securing our water supply (Board Adopted Budget, 6/15/17); and \$603,000 for Board-supported ongoing federal advocacy program for Forecast Informed Reservoir Operations Project and other federal programs (Board Adopted Budget, 6/15/17), both programs offset by \$1,000,000 transfer from Sonoma Water General Fund. • \$22,000 for continued Resource Conservation District groundwater management planning support services (Board Item #14, 9/11/18). • \$115,000 for asset management software services to assist in planning, tracking, and documenting asset maintenance (Board Item #3, 7/24/18). •Re-budget \$35.3 million in expenditures and \$13.1 million in offsetting revenue for projects approved by the Board of Directors and not completed in FY 2017-18, including: \$13.6 million in expenditures and \$5.8 million in revenues to implement the Russian River Biological Opinion Dry Creek Habitat Enhancement phases 2 through 6; \$13.1 million in expenditures and \$6.5 million in revenue for construction of aqueduct creek crossing hazard mitigation projects; \$5.3 million in expenditures and \$761,000 in revenue for maintenance and upgrades to storage tanks, pumps, booster stations, and pipelines; and \$2.5 million of expenditures for various other projects (6/15/17). 	36,366,331	14,060,998	22,305,333

<p>Wastewater Treatment and Reuse: Appropriate:</p> <ul style="list-style-type: none"> • \$150,000 for Board-approved Larkfield Estates sewer main extension capital project in burn area for right of way and real estate appraisals (Board Item #45, 6/5/18). • \$100,000 for Penngrove's annual payments to City of Petaluma for wastewater treatment costs for accounting purposes to true up required payment (Joint Powers Agreement by City of Petaluma and County of Sonoma 5/26/1977; Amendment 1 to Agreement, 6/15/1990). • \$47,100 for tribal cultural resource monitoring required by CEQA during Occidental wastewater truck fill station construction for hauling wastewater to the Airport treatment plant, with \$70,000 transferred from the Operations Fund to the Construction Fund to offset construction costs (2/18/2018). • \$17,605 for an operating transfer from Sonoma Valley Operations to Debt Service Fund to meet new U.S. Bank reserve requirement per Sonoma County Auditor-Controller. • Re-budget \$3.6 million in expenditures and \$200,000 in revenues for projects previously approved by the Board of Directors and not completed in FY 2017-18, including South Park County Sanitation District Collection System Replacements, hazard mitigation improvements at Russian River and Sonoma Valley County Sanitation Districts, and other projects to improve wastewater collection and treatment (6/15/2017). 	3,970,603	287,605	3,682,998
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Capital Projects

Capital Projects - General Services - Other Funds

Close out completed Permit and Resource Management Department Roof Project and Fleet Materials/Law Relocation Project and transfer remaining balances totaling \$203 to the Main Adult Detention Facility Connection Corridor Project. (4/10/18, #7)	203	203	-
Reduce appropriations and close out completed Electric Vehicle Charger Installation funded by California Energy Commission grant funds (9/23/14).	(59,420)		(59,420)
Deferred Maintenance - Establish expenditure appropriations for the Hall of Justice Drain project (\$63,816) and the Sonoma Veterans Building Roof Repair project (\$134,000) to meet high priority deferred maintenance needs funded from General Fund contribution allocated to deferred maintenance in the adopted budget. (FY17/18 Adopted Budget and CAO approval)	197,816	-	197,816
Establish appropriations for revenues and expenditures associated with staff time planning for the Sonoma Developmental Center closing (5/8/18, #2). Funding for planning is being transferred from Non-Departmental, where it was added in the FY 2018-19 Adopted Budget.	60,000	60,000	-

Capital Projects - Regional Parks - Other Funds

Appropriate \$165,000 in Community Development Block Grant for Gualala Point ADA retrofit project, (7/10/18,#49).	165,000	165,000	-
Appropriate \$1,469,650 in Initial Public Access funds related to capital improvements from Agricultural Preservation and Open Space District for recently transferred Mark West property, (10/9/18, #1).	1,469,650	1,469,650	-
Adjust expenditure appropriations between Today Master Plan and Tolay-Cannon Lane (\$115,000). Appropriate operating transfer of \$115,000 of FY 17-18 Measure L funds from Tolay Master Plan to Moorland (Andy's Unity) Park (\$115,000), to true-up FY 17-18 Year End closing adjustments, (6/20/17,#45).	115,000	115,000	-

GRAND TOTAL ADJUSTMENTS	70,998,718	34,848,796	36,149,922
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General Fund	3,031,571	(79,186)	3,110,757
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Other Funds
All Funds

67,967,147
70,998,718

34,927,982
34,848,796

33,039,165
36,149,922



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 5
(This Section for use by Clerk of the Board Only.)

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Water Agency

Staff Name and Phone Number:

Philip Wadsworth / 547-1945

Supervisorial District(s):

Title: Engineering Review of Development Plans

Recommended Actions:

In an ongoing effort to mitigate potential damage to Sonoma County Water Agency infrastructure, public health and safety, and the environment from new construction, authorize Sonoma County Water Agency's General Manager to execute an agreement with Coastland Civil Engineering, Inc., for engineering review of development plans through October 31, 2021, in the not-to-exceed amount of \$600,000.

Executive Summary:

This item requests authority for the Sonoma County Water Agency's (Sonoma Water) General Manager to execute an agreement with Coastland Civil Engineering, Inc., (Consultant) to provide engineering review of development improvement plans for flood and drainage compliance in the amount of \$600,000; the agreement terminates on October 31, 2021. Consultant will review improvement plans, calculations, and transmittal letters submitted to Sonoma Water by developers for adequacy of drainage and flood control design, and compliance with the Sonoma County Water Agency Flood Control Design Criteria (Design Criteria) or subsequent versions. If submitted plans comply with the Design Criteria, Consultant will prepare a Conformance Letter for Sonoma Water to issue to the developer's design engineer. Conversely, if the developer's engineer is required to make changes in order to comply with the Design Criteria, Consultant will prepare a Recommendation Letter for Sonoma Water to use in providing guidance to the developer's design engineer for achieving compliance.

Discussion:

Sonoma Water provides drainage review services, by agreement, to the cities of Santa Rosa, Rohnert Park, Cotati, Sonoma, Petaluma, and Cloverdale and the Town of Windsor. The Sonoma Water's responsibilities for drainage review services are limited in scope to reviewing plans for compliance with the Design Criteria and drainage master plans.

As in the past, review services are needed by a consultant in order to provide timely review to support the large number of commercial and residential development projects being submitted to Sonoma Water, and to avoid the delays of a backlog.

Development plan review costs are reimbursed through fees paid by the developer to Sonoma Water; therefore, costs under this agreement will not affect Sonoma Water's general fund.

SELECTION PROCESS

On June 10, 2016, Sonoma Water issued a Request for Statements of Qualifications to the following five firms:

1. Adobe Associates, Inc., Santa Rosa, California
2. Brelje & Race Consulting Engineers, Santa Rosa, California
3. Carlile Macy, Santa Rosa, California
4. Green Valley Consulting Engineers, Santa Rosa, California
5. Summit Engineering, Inc., Santa Rosa, California

The Request for Statements of Qualifications was also posted on the Sonoma Water and County of Sonoma Purchasing Department websites.

The seven firms listed below submitted Statements of Qualifications:

1. Atterbury & Associates, Inc., Healdsburg, California
2. Carlile Macy, Santa Rosa, California
3. Cbec, inc. eco engineering, West Sacramento, California
4. Coastland Civil Engineering, Inc., Santa Rosa, California
5. Green Valley Consulting Engineers, Santa Rosa, California
6. Schaaf and Wheeler, Consulting Civil Engineers, Santa Rosa, California
7. West Yost Associates, Santa Rosa, California

The following criteria were used to evaluate each firm:

- 1) Thoroughness of the Statement of Qualifications.
- 2) Professional qualifications and demonstrated ability to perform the work.
- 3) Exceptions to standard terms in the sample agreement.

Based on the evaluations, the following respondents were selected for a list of qualified consultants:

1. Atterbury & Associates
2. Carlile Macy
3. Coastland Civil Engineering, Inc.
4. Green Valley Consulting Engineers
5. Schaff and Wheeler, Consulting Civil Engineers
6. West Yost Associates

Consultant was selected to perform the work under the subject agreement because Consultant is familiar with the Design Criteria, the subject work, and has provided quality work for Sonoma Water in the past. In addition, Consultant does not design private developments in Sonoma County; therefore, there is no conflict of interest in providing services for Sonoma Water. In addition, although rates were not

considered when evaluating qualifications, Consultant's rates were the lowest of the firms selected for the list of qualified consultants.

SERVICES TO BE PERFORMED

Under the proposed agreement, the Consultant will:

1. Review improvement plans, calculations, and transmittal letters for compliance with the Design Criteria.
2. If plans comply with the Design Criteria, Consultant will prepare a Conformance Letter.
3. If the developer's engineer is required to make changes in order to comply with the Design Criteria, Consultant will prepare a Recommendation Letter listing changes required to achieve compliance.

The cost of services will not exceed \$200,000 in fiscal year 2018/2019, \$200,000 in fiscal year 2019/2020, and \$200,000 in fiscal year 2020/2021. The total agreement amount is \$600,000. The term end date is October 31, 2021.

RECOMMENDATION

Sonoma Water staff recommends that the Board authorize Sonoma Water's General Manager to execute an agreement with Coastland Civil Engineering, Inc., for engineering review of development plans through October 31, 2021, in the not-to-exceed amount of \$600,000.

Prior Board Actions:

05/24/2016: Approved agreement with Coastland Civil Engineering, Inc., for engineering review of development plans through June 30, 2018, in the not-to-exceed amount of \$400,000.

Strategic Plan Alignment Goal 3: Invest in the Future

Reviewing development plans for adequacy of flood and drainage design mitigates potential damage to Sonoma County infrastructure, public health and safety, and the economy from new construction.

Water Agency Strategic Plan Alignment

Flood Protection, Goal 1: Provide efficient and effective flood protection programs.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$200,000	\$200,000	\$200,000
Additional Appropriation Requested			
Total Expenditures	\$200,000	\$200,000	\$200,000
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$200,000	\$200,000	\$200,000
Use of Fund Balance			
Contingencies			
Total Sources	\$200,000	\$200,000	\$200,000
Narrative Explanation of Fiscal Impacts:			
Budgeted amount of \$200,000 is available from FY 2018/2019 appropriations from the Sonoma Water General fund with offsetting revenue of \$200,000 per year through fees paid by developers. FY 2019/2020 and FY 2020/2021 appropriations will be budgeted in those fiscal years.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
N/A			
Narrative Explanation of Staffing Impacts (If Required):			
N/A			
Attachments:			
Agreement			
Related Items "On File" with the Clerk of the Board:			
None			

Agreement for Review of Development Improvement Plans for Flood and Drainage

This agreement (“Agreement”) is by and between **Sonoma County Water Agency**, a body corporate and politic of the State of California (“Sonoma Water”) and **Coastland Civil Engineering, Inc.**, a California corporation (“Consultant”). The Effective Date of this Agreement is the date the Agreement is last signed by the parties to the Agreement, unless otherwise specified in Paragraph 5.1.

RECITALS

- A. Consultant represents that it is a duly qualified and licensed civil engineering firm, experienced in review of development plans for adequacy of flood control, drainage and related services.
- B. Sonoma Water provides drainage review services to several cities within Sonoma County for plans submitted by developers.
- C. Demand for plan review services is high, necessitating the hiring of Consultant in order to keep pace with the workload and provide timely review.
- D. Development review costs are offset by fees paid by the developer to the Water Agency.

In consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1. RECITALS

- 1.1. The above recitals are true and correct.

2. LIST OF EXHIBITS

- 2.1. The following exhibits are attached hereto and incorporated herein:
 - a. Exhibit A: Scope of Work
 - b. Exhibit B: Schedule of Costs
 - c. Exhibit C: Insurance Requirements

3. SCOPE OF SERVICES

- 3.1. *Consultant’s Specified Services:* Consultant shall perform the services described in Exhibit A (Scope of Work), within the times or by the dates provided for in Exhibit A and pursuant to Article 9 (Prosecution of Work). In the event of a

conflict between the body of this Agreement and Exhibit A, the provisions in the body of this Agreement shall control.

- 3.2. *Cooperation with Sonoma Water:* Consultant shall cooperate with Sonoma Water in the performance of all work hereunder. Consultant shall coordinate the work with Sonoma Water’s Project Manager. Contact information and mailing addresses:

Sonoma Water	Consultant
Project Manager: Philip Wadsworth 404 Aviation Boulevard Santa Rosa, CA 95403-9019 Phone: 707-547-1945 Email: Phil.Wadsworth@scwa.ca.gov	Contact: John Wanger 1400 Neotomas Drive Santa Rosa, CA 95405 Phone: 707-571-8005 Email: Wanger@coastlandcivil.com
Remit invoices to:	Remit payments to:
Susan Bookmyer Same address as above or Email: susan.bookmyer@scwa.ca.gov	Same address as above

- 3.3. *Performance Standard and Standard of Care:* Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with the standards of a reasonable professional having specialized knowledge and expertise in the services provided under this Agreement and in accordance with all applicable federal, state and local laws, it being understood that acceptance of Consultant’s work by Sonoma Water shall not operate as a waiver or release. Sonoma Water has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. If Sonoma Water determines that any of Consultant’s work is not in accordance with such level of competency and standard of care, Sonoma Water, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with Sonoma Water to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 6 (Termination); or (d) pursue any and all other remedies at law or in equity.

- 3.4. *Assigned Personnel:*
- a. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time Sonoma Water, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from Sonoma Water.
 - b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by Sonoma Water to be key personnel whose

services were a material inducement to Sonoma Water to enter into this Agreement, and without whose services Sonoma Water would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of Sonoma Water.

- c. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness, or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

4. PAYMENT

- 4.1. *Total Costs:* Total costs under this Agreement shall not exceed \$600,000.
- 4.2. *Method of Payment:* Consultant shall be paid in accordance with the following terms: Consultant shall be paid in accordance with Exhibit B (Schedule of Costs). Billed hourly rates shall include all costs for overhead and any other charges, other than expenses specifically identified in Exhibit B. Expenses not expressly authorized by the Agreement shall not be reimbursed.
- 4.3. *Invoices:* Consultant shall submit its bills in arrears on a monthly basis, based on work completed for the period, in a form approved by Sonoma Water. The bills shall show or include:
 - a. Consultant name
 - b. Name of Agreement
 - c. Sonoma Water's Project-Activity Code as provided by Project Manager for each set of plans reviewed
 - d. Task performed with an itemized description of services rendered by date
 - e. Summary of work performed by subconsultants, as described in Paragraph 14.4
 - f. Time in quarter hours devoted to the task
 - g. Hourly rate or rates of the persons performing the task
 - h. List of reimbursable materials and expenses
 - i. Copies of receipts for reimbursable materials and expenses
- 4.4. *Monthly Reports with Invoices:* Payment of invoices is subject to receipt of the monthly reports required under Task 4 of Exhibit A.
- 4.5. *Rate Changes:* Upon at least 30 days written notice, Consultant may change the hourly rates up to 3% per year, commencing one year from the Effective Date of this Agreement and no more than once every 12 months thereafter.
- 4.6. *Timing of Payments:* Unless otherwise noted in this Agreement, payments shall be made within the normal course of Sonoma Water business after presentation of an invoice in a form approved by Sonoma Water for services performed.

Payments shall be made only upon the satisfactory completion of the services as determined by Sonoma Water.

4.7. *Taxes Withheld by Sonoma Water:*

- a. Pursuant to California Revenue and Taxation Code (R&TC) section 18662, the Sonoma Water shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this Agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.
- b. If Consultant does not qualify, as described in Paragraph 4.7.a, Sonoma Water requires that a completed and signed Form 587 be provided by Consultant in order for payments to be made. If Consultant is qualified, as described in Paragraph 4.7.a, then Sonoma Water requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, Consultant agrees to promptly notify Sonoma Water of any changes in the facts. Forms should be sent to Sonoma Water pursuant to Article 15 (Payments) of this Agreement. To reduce the amount withheld, Consultant has the option to provide Sonoma Water with either a full or partial waiver from the State of California.

4.8. *Funding:*

- a. Funding for this Agreement is as follows:

<i>Current Fiscal Year</i>	<i>Budgeted Appropriation</i>
2018/2019	\$200,000
<i>Subsequent Fiscal Years</i>	<i>Planned Appropriation</i>
2019/2020	\$200,000
2020/2021	\$200,000

- b. Availability of Funding in Subsequent Fiscal Years:
 - i. Sonoma Water’s performance under this Agreement in subsequent years is contingent upon appropriation of funds by Sonoma Water’s Board of Directors. Sonoma Water shall have no liability under this Agreement if sufficient funds are not appropriated in subsequent fiscal years by Sonoma Water’s Board of Directors for the purpose of this Agreement.
 - ii. If funding for this Agreement for any fiscal year is reduced or eliminated by Sonoma Water’s Board of Directors, Sonoma Water shall have the option to either terminate this Agreement in accordance with Article 6 (Termination) or offer an amendment to Consultant to reflect the reduced amount.

5. TERM OF AGREEMENT AND COMMENCEMENT OF WORK

- 5.1. The term of this Agreement shall be from November 30, 2018 (“Effective Date”) to October 31, 2021, unless terminated earlier in accordance with the provisions of Article 6 (Termination).
- 5.2. *Commencement of Work:* Consultant is authorized to proceed immediately with the performance of this Agreement upon the Effective Date of this Agreement.

6. TERMINATION

- 6.1. *Authority to Terminate:* Sonoma Water’s right to terminate may be exercised by Sonoma County Water Agency’s General Manager.
- 6.2. *Termination Without Cause:* Notwithstanding any other provision of this Agreement, at any time and without cause, Sonoma Water shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Consultant. Consultant shall have the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days prior written notice.
- 6.3. *Termination for Cause:* Notwithstanding any other provision of this Agreement, should Consultant fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, Sonoma Water may immediately terminate this Agreement by giving Consultant written notice of such termination, stating the reason for termination.
- 6.4. *Delivery of Work Product and Final Payment Upon Termination:* In the event of termination, Consultant, within 14 days following the date of termination, shall deliver to Sonoma Water all reports, original drawings, graphics, plans, studies, and other data or documents, in whatever form or format, assembled or prepared by Consultant or Consultant’s subcontractors, consultants, and other agents in connection with this Agreement subject to Paragraph 12.9 and shall submit to Sonoma Water an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.
- 6.5. *Payment Upon Termination:* Upon termination of this Agreement by Sonoma Water, Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and reimbursable expenses properly incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total payment; provided, however, that if services are to be paid on a per-hour or per-day basis, then Consultant shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to termination multiplied by the applicable hourly or daily rate; and further provided, however, that if

Sonoma Water terminates the Agreement for cause pursuant to Paragraph 6.3, Sonoma Water shall deduct from such amounts the amount of damage, if any, sustained by Sonoma Water by virtue of the breach of the Agreement by Consultant.

7. INDEMNIFICATION

7.1. Consultant agrees to accept responsibility for loss or damage to any person or entity, including Sonoma County Water Agency, and to defend, indemnify, hold harmless, and release Sonoma County Water Agency, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant or its agents, employees, contractors, subcontractors, or invitees hereunder, whether or not there is concurrent or contributory negligence on Sonoma County Water Agency's part, but, to the extent required by law, excluding liability due to Sonoma County Water Agency's conduct. In no event shall the cost to defend charged to the design professional exceed the design professional's proportionate percentage of fault. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

8. INSURANCE

8.1. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit C (Insurance Requirements).

9. PROSECUTION OF WORK

9.1. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

10. EXTRA OR CHANGED WORK

10.1. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Changes to lengthen time schedules or make minor modifications to the scope of work, which do not increase the amount paid under the Agreement, may be executed by the Water Agency's General Manager in a form approved by County Counsel. The parties expressly recognize that Sonoma Water personnel are without

authorization to order all other extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of Sonoma Water.

11. CONTENT ONLINE ACCESSIBILITY

- 11.1. *Accessibility:* Sonoma Water policy requires that all documents that may be published to the Web meet accessibility standards to the greatest extent possible, and utilizing available existing technologies.
- 11.2. *Standards:* All consultants responsible for preparing content intended for use or publication on a Sonoma Water managed or Sonoma Water funded web site must comply with applicable federal accessibility standards established by 36 C.F.R. section 1194, pursuant to section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. section 794(d)), and Sonoma Water's Web Site Accessibility Policy located at <http://sonomacounty.ca.gov/Services/Web-Standards-and-Guidelines/>.
- 11.3. *Certification:* With each final receivable intended for public distribution (report, presentations posted to the Internet, public outreach materials), Consultant shall include a descriptive summary describing how all deliverable documents were assessed for accessibility (e.g., Microsoft Word accessibility check; Adobe Acrobat accessibility check, or other commonly accepted compliance check).
- 11.4. *Alternate Format:* When it is strictly impossible due to the unavailability of technologies required to produce an accessible document, Consultant shall identify the anticipated accessibility deficiency prior to commencement of any work to produce such deliverables. Consultant agrees to cooperate with Sonoma Water staff in the development of alternate document formats to maximize the facilitative features of the impacted document(s); e.g., embedding the document with alt-tags that describe complex data/tables.
- 11.5. *Noncompliant Materials; Obligation to Cure:* Remediation of any materials that do not comply with Sonoma Water's Web Site Accessibility Policy shall be the responsibility of Consultant. If Sonoma Water, in its sole and absolute discretion, determines that any deliverable intended for use or publication on any Sonoma Water managed or Sonoma Water funded Web site does not comply with Sonoma Water Accessibility Standards, Sonoma Water will promptly inform Consultant in writing. Upon such notice, Consultant shall, without charge to Sonoma Water, repair or replace the non-compliant materials within such period of time as specified by Sonoma Water in writing. If the required repair or

replacement is not completed within the time specified, Sonoma Water shall have the right to do any or all of the following, without prejudice to Sonoma Water's right to pursue any and all other remedies at law or in equity:

- a. Cancel any delivery or task order
- b. Terminate this Agreement pursuant to the provisions of Article 6 (Termination); and/or
- c. In the case of custom Electronic and Information Technology (EIT) developed by Consultant for Sonoma Water, Sonoma Water may have any necessary changes or repairs performed by itself or by another contractor. In such event, Consultant shall be liable for all expenses incurred by Sonoma Water in connection with such changes or repairs.

11.6. *Sonoma Water's Rights Reserved:* Notwithstanding the foregoing, Sonoma Water may accept deliverables that are not strictly compliant with Sonoma Water Accessibility Standards if Sonoma Water, in its sole and absolute discretion, determines that acceptance of such products or services is in Sonoma Water's best interest.

12. REPRESENTATIONS OF CONSULTANT

- 12.1. *Status of Consultant:* The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of Sonoma Water and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits Sonoma Water provides its employees. In the event Sonoma Water exercises its right to terminate this Agreement pursuant to Article 6 (Termination), Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.
- 12.2. *No Suspension or Debarment:* Consultant warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Consultant also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration.
- 12.3. *Taxes:* Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to indemnify and hold Sonoma Water harmless from any liability which it may incur to the United States or to the State of California or to any other public entity as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case Sonoma Water is audited for compliance regarding any

withholding or other applicable taxes, Consultant agrees to furnish Sonoma Water with proof of payment of taxes on these earnings.

- 12.4. *Records Maintenance:* Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to Sonoma Water for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.
- 12.5. *Conflict of Interest:* Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if required by law or requested to do so by Sonoma Water, Consultant shall submit a completed Fair Political Practices Commission Statement of Economic Interests (Form 700) with Sonoma Water within 30 calendar days after the Effective Date of this Agreement and each year thereafter during the term of this Agreement, or as required by state law.
- 12.6. *Statutory Compliance/Living Wage Ordinance:* Consultant agrees to comply, and to ensure compliance by its subconsultants or subcontractors, with all applicable federal, state and local laws, regulations, statutes and policies, including but not limited to the County of Sonoma Living Wage Ordinance, applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, Consultant expressly acknowledges and agrees that this Agreement is subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.
- 12.7. *Nondiscrimination:* Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.
- 12.8. *Assignment of Rights:* Consultant assigns to Sonoma Water all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to Sonoma

Water in this Agreement, and to refrain from taking any action which would impair those rights. Consultant's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as Sonoma Water may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of Sonoma Water. Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of Sonoma Water.

- 12.9. *Ownership and Disclosure of Work Product:* All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of Sonoma Water. Sonoma Water shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to Sonoma Water all such documents, which have not already been provided to Sonoma Water in such form or format as Sonoma Water deems appropriate. Such documents shall be and will remain the property of Sonoma Water without restriction or limitation. Consultant may retain copies of the above described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of Sonoma Water.

13. DEMAND FOR ASSURANCE

- 13.1. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article 13 limits Sonoma Water's right to terminate this Agreement pursuant to Article 6 (Termination).

14. ASSIGNMENT AND DELEGATION

- 14.1. *Consent:* Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.
- 14.2. *Subcontracts:* Notwithstanding the foregoing, Consultant may enter into subcontracts with the subconsultants specifically identified herein. If no subconsultants are listed, then no subconsultants will be utilized in the performance of the work specified in this Agreement.
- 14.3. Agreement, parties agree that subconsultants not listed in Paragraph 14.2 will be utilized, Consultant may enter into subcontracts with subconsultants to perform other specific duties pursuant to the provisions of this Paragraph 14.3. The following provisions apply to any subcontract entered into by Consultant other than those listed in Paragraph 14.2:
- a. Prior to entering into any contract with subconsultant, Consultant shall obtain Sonoma Water approval of subconsultant.
 - b. All agreements with subconsultants shall (a) contain indemnity requirements in favor of Sonoma Water in substantially the same form as that contained in Article 7 (Indemnification), (b) contain language that the subconsultant may be terminated with or without cause upon reasonable written notice, and (c) prohibit the assignment or delegation of work under the agreement to any third party.
- 14.4. *Summary of Subconsultants' Work:* Consultant shall provide Sonoma Water with a summary of work performed by subconsultants with each invoice submitted under Paragraph 4.3. Such summary shall identify the individuals performing work on behalf of subconsultants and the total amount paid to subconsultant, broken down by the tasks listed in the Scope of Work.

15. PAYMENTS

- 15.1. *Method of Delivery:* All notices, bills, and payments shall be made in writing and shall be given by personal delivery, U.S. Mail, courier service, or electronic means. Notices, bills, and payments shall be addressed as specified in Paragraph 3.2.
- 15.2. *Receipt:* When a notice, bill, or payment is given by a generally recognized overnight courier service, the notice, bill, or payment shall be deemed received on the next business day. When a copy of a notice, bill, or payment is sent by electronic means, the notice, bill, or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill, or payment is deposited in the U.S. mail and postmarked on the date of the electronic transmission (for a payment, on or before the due date), (2) the sender has a written confirmation of the electronic transmission, and (3) the electronic

transmission is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills, and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this Article 15.

16. MISCELLANEOUS PROVISIONS

- 16.1. *No Bottled Water:* In accordance with Sonoma Water Board of Directors Resolution No. 09-0920, dated September 29, 2009, no Sonoma Water funding shall be used to purchase single-serving, disposable water bottles for use in Sonoma Water facilities or at Sonoma Water-sponsored events. This restriction shall not apply when potable water is not available.
- 16.2. *No Waiver of Breach:* The waiver by Sonoma Water of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or promise or any subsequent breach of the same or any other term or promise contained in this Agreement.
- 16.3. *Construction:* To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and Sonoma Water acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and Sonoma Water acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.
- 16.4. *Consent:* Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.
- 16.5. *No Third-Party Beneficiaries:* Except as provided in Article 7 (Indemnification), nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.
- 16.6. *Applicable Law and Forum:* This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or in the forum nearest to the City of Santa Rosa, in the County of Sonoma.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date last signed by the parties to the Agreement.

Reviewed as to funds:

TW 17/18-148

By: _____
Water Agency Division Manager -
Administrative Services

Approved as to form:

By: _____
Adam Brand, Deputy County Counsel

Insurance Documentation is on file with
Sonoma Water

Date/TW Initials: 7/10/18 crt

Sonoma County Water Agency

Coastland Civil Engineering, Inc., a California corporation

By: _____
Grant Davis
General Manager
Authorized per Water Agency's Board of
Directors Action on October 23, 2018

By: _____
John L. Wanger
CEO

By: _____
Paul Wade
CFO

Date: _____

Date: _____

Exhibit A

Scope of Work

1. TASKS

- 1.1. Task 1: Review Development Improvement Plans
 - a. Review improvement plan package (Review Package) submitted to Water Agency by developers for adequate drainage design and compliance with the Sonoma County Water Agency Flood Control Design Criteria (FCDC) or the in-process Sonoma County Water Agency Flood Management Design Manual (FMDM).
 - b. Each Review Package may include but is not limited to:
 - i. Improvement plans
 - ii. Calculations
 - iii. Transmittal letters
 - c. Return Review Package to Water Agency when review is complete.
- 1.2. Task 2: Prepare a Conformance or Recommendation Letter
 - a. Prepare letters using standard forms and form letters provided by Water Agency.
 - i. If plans comply with FCDC/FMDM, provide a conformance letter.
 - ii. If developer's engineer is required to make changes in order to comply with FCDC/FMDM, provide a recommendation letter
 - iii. Review. Submit to Sonoma Water for review.
 - a) First Draft: Prepare the letters in draft form and email to Sonoma Water for review and approval in accordance with the date listed for each deliverable. Sonoma Water will return one copy of the draft letter to Consultant with comments or approval.
 - b) Subsequent Draft(s): If Sonoma Water requests revisions, revise the draft resubmit for Sonoma Water approval.
 - iv. Final: Following Sonoma Water approval and prior to Sonoma Water's acceptance of work under this Agreement, submit the final approved letter to Sonoma Water in accordance with the date listed for each deliverable.
 - b. If requested by Water Agency, discuss projects and letters in person or by phone, as appropriate.
 - c. Expedited timeframes may be necessary, as requested by Water Agency.

Deliverable	Due Date
Draft letter and cost accounting	Within 15 business days of receipt of a Review Package
Final draft of letter	Within 2 business days of receiving Water Agency approval

1.3. Task 3: Review FMDM

a. Initial Review:

- i. Review entire FMDM document.
- ii. Record suggested changes to FMDM document in a memo to Sonoma Water.

b. Subsequent Review(s):

- i. Review later versions of FMDM document, if requested by Sonoma Water.
- ii. Suggested changes to FMDM document in a memo(s) to Sonoma Water.

Deliverable	Due Date
Initial Review Memo	Within 10 business days of receipt of draft FMDM
Subsequent Review Memo(s)	To be determined for each memo

1.4. Task 4: Monthly Progress Reports

a. Monthly progress reports shall include the following:

- i. A detailed list of work performed
- ii. Cost accounting for each current project
- iii. Other information as appropriate or as requested by Sonoma Water

Deliverable	Due Date
Monthly Progress Report	Monthly with invoices

2. DELIVERABLES

2.1. Submit one electronic copy in PDF format (emailed, on CD, or via internet) of each final deliverable to Sonoma Water.

2.2. Comply with requirements of Article 11 (Content Online Accessibility).

Exhibit B

Schedule of Costs

PERSONNEL	
Title	Hourly Rate
Principal Engineer	\$195
Supervising Engineer	\$180
Associate Engineer	\$140
Assistant Engineer	\$130
Junior Engineer	\$125
Clerical	\$85
EXPENSES	
Item	Cost
Copies	Cost +15%
Postage	At cost
Overnight mail	At cost
Mileage for personal car	Current IRS rate

Exhibit C

Insurance Requirements

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

Sonoma Water reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Consultant from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. INSURANCE

- 1.1. Workers Compensation and Employers Liability Insurance
 - a. Required if Consultant has employees as defined by the Labor Code of the State of California.
 - b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
 - c. Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
 - d. Required Evidence of Insurance: Certificate of Insurance.
 - e. If Consultant currently has no employees as defined by the Labor Code of the State of California, Consultant agrees to obtain the above-specified Workers Compensation and Employers' Liability insurance should employees be engaged during the term of this Agreement or any extensions of the term.
- 1.2. General Liability Insurance
 - a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
 - b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Commercial Umbrella Liability Insurance. If Consultant maintains higher limits than the specified minimum limits, Sonoma Water requires and shall be entitled to coverage for the higher limits maintained by Consultant.
 - c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it

must be approved in advance by Sonoma Water. Consultant is responsible for any deductible or self-insured retention and shall fund it upon Sonoma Water's written request, regardless of whether Consultant has a claim against the insurance or is named as a party in any action involving the Sonoma Water.

- d. Sonoma County Water Agency, its officers, agents, and employees, shall be endorsed as additional insureds for liability arising out of operations by or on behalf of the Consultant in the performance of this Agreement.
- e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the "f" definition of insured contract in Insurance Services Office form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between the additional insureds and Consultant and include a "separation of insureds" or "severability" clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status, and
 - ii. Certificate of Insurance.

1.3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be provided by a combination of Automobile Liability Insurance and Commercial Excess or Commercial Umbrella Liability Insurance.
- b. Insurance shall cover all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Insurance shall cover hired and non-owned autos.
- d. Required Evidence of Insurance: Certificate of Insurance.

1.4. Professional Liability/Errors and Omissions Insurance

- a. Minimum Limit: \$1,000,000 per claim or per occurrence; \$1,000,000 annual aggregate.
- b. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by Sonoma Water.

- c. If Consultant's services include: (1) programming, customization, or maintenance of software; or (2) access to individuals' private, personally identifiable information, the insurance shall cover:
 - i. Breach of privacy; breach of data; programming errors, failure of work to meet contracted standards, and unauthorized access; and
 - ii. Claims against Consultant arising from the negligence of Consultant, Consultant's employees and Consultant's subcontractors.
 - d. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work.
 - e. Coverage applicable to the work performed under this Agreement shall be continued for two (2) years after completion of the work. Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.
 - f. Required Evidence of Insurance: Certificate of Insurance specifying the limits and the claims-made retroactive date.
- 1.5. Standards for Insurance Companies
- a. Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.
- 1.6. Documentation
- a. The Certificate of Insurance must include the following reference: TW 17/18-148.
 - b. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Insurance on file with Sonoma Water for the entire term of this Agreement and any additional periods if specified in Sections 1.1, 1.2, 1.3, or 1.4, or above.
 - c. The name and address for mailing Additional Insured endorsements and Certificates of Insurance is: Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95403-9019.
 - d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
 - e. Consultant shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
 - f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

1.7. Policy Obligations

- a. Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

1.8. Material Breach

- a. If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. Sonoma Water, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, Sonoma Water may purchase the required insurance, and without further notice to Consultant, Sonoma Water may deduct from sums due to Consultant any premium costs advanced by Sonoma Water for such insurance. These remedies shall be in addition to any other remedies available to Sonoma Water.

EXTENDED OPTIONS

1. Employers' Liability Insurance

Item 3.B. of the Information Page is replaced by the following:

B. Employers' Liability Insurance:

1. **Part Two** of the policy applies to work in each state listed in Item 3.A.

The Limits of Liability under Part Two are the higher of:

**Bodily Injury
by Accident** \$500,000 Each Accident

**Bodily Injury
by Disease** \$500,000 Policy Limit

**Bodily Injury
by Disease** \$500,000 Each Employee

OR

2. The amount shown in the Information Page.

This provision 1 of **EXTENDED OPTIONS** does not apply in New York because the Limits Of Our Liability are unlimited.

In this provision the limits are changed from **\$500,000** to **\$1,000,000** in California.

2. Unintentional Failure to Disclose Hazards

If you unintentionally should fail to disclose all existing hazards at the inception date of your policy, we shall not deny coverage under this policy because of such failure.

3. Waiver of Our Right To Recover From Others

A. We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against any person or organization for whom you perform work under a written contract that requires you to obtain this agreement from us.

This agreement shall not operate directly or indirectly to benefit anyone not named in the agreement.

- B. This provision 3. does not apply in the states of Pennsylvania and Utah.

4. Foreign Voluntary Compensation and Employers' Liability Reimbursement

A. How This Reimbursement Applies

This reimbursement provision applies to bodily injury by accident or bodily injury by disease. Bodily injury includes resulting death.

1. The bodily injury must be sustained by an officer or employee.
2. The bodily injury must occur in the course of employment necessary or incidental to work in a country not listed in Exclusion C.1. of this provision.
3. Bodily injury by accident must occur during the policy period.
4. Bodily injury by disease must be caused or aggravated by the conditions of your employment. The officer or employee's last exposure to those conditions of your employment must occur during the policy period.

B. We Will Reimburse

We will reimburse you for all amounts paid by you whether such amounts are:

1. voluntary payments for the benefits that would be required of you if you and your officers or employees were subject to any workers' compensation law of the state of hire of the individual employee.
2. sums to which Part Two (Employers' Liability Insurance) would apply if the Country of Employment were shown in Item 3.A. of the Information Page.

C. Exclusions

This insurance does not cover:

1. any occurrences in the United States, Canada, and any country or jurisdiction which is the subject of trade or economic sanctions imposed by the laws or regulations of the United States of America in effect as of the inception date of this policy.
2. any obligation imposed by a workers' compensation or occupational disease law, or similar law.
3. bodily injury intentionally caused or aggravated by you.

ADDITIONAL COVERAGES BY WRITTEN CONTRACT, AGREEMENT OR PERMIT

This is a summary of the coverage provided under the following form (complete form available):

BUSINESS LIABILITY COVERAGE FORM SS 00 08 04 05**Additional Insured When Required by Written Contract, Written Agreement or Permit**

WHO IS AN INSURED under Section C. is amended to include as an additional insured, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- (a) In the performance of your ongoing operations;
- (b) In connection with your premises owned by or rented to you; or
- (c) In connection with "your work" and included within the "products completed operations hazard", but only if
 - (i) The written contract or written agreement requires you to provide such coverage to such additional insured; and
 - (ii) This Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products completed operations hazard".

The person(s) or organization(s) are additional insureds when you have agreed, in a written contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement, or the issuance of the permit.

A person or organization is an additional insured under the provision only for that period of time required by the contract, agreement or permit.

With respect to the insurance afforded to the additional insured, this insurance does not apply to: "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or failure to render, any professional architectural, engineering or surveying services, including:

- (a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specification; or
- (b) Supervisory, inspection, architectural or engineering activities.

The limits of insurance that apply to additional insureds are described in Section D. Limits Of Insurance.

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section E. Liability And Medical Expenses General Conditions.

No person or organization is an insured with respect to the conduct of any current or past partnership, joint venture or limited liability company that is not shown as a Named Insured in the Declarations.

Other Insurance

If other valid and collectible insurance is available for a loss we cover under this Coverage Part, our obligations are limited as follows:

When You Add Others As An Additional Insured To This Insurance: That is other insurance available to an additional insured. However, the following provisions apply to other insurance available to any person or organization who is an additional insured under this Coverage Part:

- (a) **Primary Insurance When Required By Contract:** This insurance is primary if you have agreed in a written contract, written agreement or permit that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in c. below.
- (b) **Primary And Non-Contributory To Other Insurance When Required By Contract:** If you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs **(a)** and **(b)** do not apply to other insurance to which the additional insured has been added as an additional insured.

c. Method Of Sharing

If all the other insurance permits contribution by equal shares, we will follow this method also. Under this approach, each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

Waiver of Subrogation

If you have waived any rights of recovery against any person or organization for all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, we also waive that right, provided you waived your rights of recovery against such person or organization in a contract, agreement or permit that was executed prior to the injury or damage

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

COMMERCIAL AUTOMOBILE BROAD FORM ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

To the extent that the provisions of this endorsement provide broader benefits to the "insured" than other provisions of the Coverage Form, the provisions of this endorsement apply.

1. BROAD FORM INSURED

A. Subsidiaries and Newly Acquired or Formed Organizations

The Named Insured shown in the Declarations is amended to include:

- (1) Any legal business entity other than a partnership or joint venture, formed as a subsidiary in which you have an ownership interest of more than 50% on the effective date of the Coverage Form. However, the Named Insured does not include any subsidiary that is an "insured" under any other automobile policy or would be an "insured" under such a policy but for its termination or the exhaustion of its Limit of Insurance.
- (2) Any organization that is acquired or formed by you and over which you maintain majority ownership. However, the Named Insured does not include any newly formed or acquired organization:
 - (a) That is a partnership or joint venture,
 - (b) That is an "insured" under any other policy,
 - (c) That has exhausted its Limit of Insurance under any other policy, or
 - (d) 180 days or more after its acquisition or formation by you, unless you have given us notice of the acquisition or formation.

Coverage does not apply to "bodily injury" or "property damage" that results from an "accident" that occurred before you formed or acquired the organization.

B. Employees as Insureds

Paragraph A.1. - WHO IS AN INSURED - of SECTION II - LIABILITY COVERAGE is amended to add:

- d. Any "employee" of yours while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

C. Lessors as Insureds

Paragraph A.1. - WHO IS AN INSURED - of Section II - Liability Coverage is amended to add:

- e. The lessor of a covered "auto" while the "auto" is leased to you under a written agreement if:
 - (1) The agreement requires you to provide direct primary insurance for the lessor and
 - (2) The "auto" is leased without a driver.

Such a leased "auto" will be considered a covered "auto" you own and not a covered "auto" you hire.

D. Additional Insured if Required by Contract

- (1) Paragraph A.1. - WHO IS AN INSURED - of Section II - Liability Coverage is amended to add:
 - f. When you have agreed, in a written contract or written agreement, that a person or organization be added as an additional insured on your business auto policy, such person or organization is an "insured", but only to the extent such person or organization is liable for "bodily injury" or "property damage" caused by the conduct of an "insured" under paragraphs a. or b. of Who Is An Insured with regard to the ownership, maintenance or use of a covered "auto."

The insurance afforded to any such additional insured applies only if the "bodily injury" or "property damage" occurs:

- (1) During the policy period, and
- (2) Subsequent to the execution of such written contract, and
- (3) Prior to the expiration of the period of time that the written contract requires such insurance be provided to the additional insured.

(2) How Limits Apply

If you have agreed in a written contract or written agreement that another person or organization be added as an additional insured on your policy, the most we will pay on behalf of such additional insured is the lesser of:

- (a) The limits of insurance specified in the written contract or written agreement; or
- (b) The Limits of Insurance shown in the Declarations.

Such amount shall be a part of and not in addition to Limits of Insurance shown in the Declarations and described in this Section.

(3) Additional Insureds Other Insurance

If we cover a claim or "suit" under this Coverage Part that may also be covered by other insurance available to an additional insured, such additional insured must submit such claim or "suit" to the other insurer for defense and indemnity.

However, this provision does not apply to the extent that you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured's own insurance.

(4) Duties in The Event Of Accident, Claim, Suit or Loss

If you have agreed in a written contract or written agreement that another person or organization be added as an additional insured on your policy, the additional insured shall be required to comply with the provisions in LOSS CONDITIONS 2. - DUTIES IN THE EVENT OF ACCIDENT, CLAIM , SUIT OR LOSS – OF SECTION IV – BUSINESS AUTO CONDITIONS, in the same manner as the Named Insured.

E. Primary and Non-Contributory if Required by Contract

Only with respect to insurance provided to an additional insured in 1.D. - Additional Insured If Required by Contract, the following provisions apply:

(3) Primary Insurance When Required By Contract

This insurance is primary if you have agreed in a written contract or written agreement that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in Other Insurance 5.d.

(4) Primary And Non-Contributory To Other Insurance When Required By Contract

If you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs (3) and (4) do not apply to other insurance to which the additional insured has been added as an additional insured.

When this insurance is excess, we will have no duty to defend the insured against any "suit" if any other insurer has a duty to defend the insured against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

- (1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and
- (2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, by the method described in Other Insurance 5.d.

2. AUTOS RENTED BY EMPLOYEES

Any "auto" hired or rented by your "employee" on your behalf and at your direction will be considered an "auto" you hire.

The OTHER INSURANCE Condition is amended by adding the following:

If an "employee's" personal insurance also applies on an excess basis to a covered "auto" hired or rented by your "employee" on your behalf and at your direction, this insurance will be primary to the "employee's" personal insurance.

3. AMENDED FELLOW EMPLOYEE EXCLUSION

EXCLUSION 5. - FELLOW EMPLOYEE - of SECTION II - LIABILITY COVERAGE does not apply if you have workers' compensation insurance in-force covering all of your "employees".

Coverage is excess over any other collectible insurance.

4. HIRED AUTO PHYSICAL DAMAGE COVERAGE

If hired "autos" are covered "autos" for Liability Coverage and if Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form for any "auto" you own, then the Physical Damage Coverages provided are extended to "autos" you hire or borrow, subject to the following limit.

The most we will pay for "loss" to any hired "auto" is:

- (1) \$100,000;
- (2) The actual cash value of the damaged or stolen property at the time of the "loss"; or
- (3) The cost of repairing or replacing the damaged or stolen property,

whichever is smallest, minus a deductible. The deductible will be equal to the largest deductible applicable to any owned "auto" for that coverage. No deductible applies to "loss" caused by fire or lightning. Hired Auto Physical Damage coverage is excess over any other collectible insurance. Subject to the above limit, deductible and excess provisions, we will provide coverage equal to the broadest coverage applicable to any covered "auto" you own.

We will also cover loss of use of the hired "auto" if it results from an "accident", you are legally liable and the lessor incurs an actual financial loss, subject to a maximum of \$1000 per "accident".

This extension of coverage does not apply to any "auto" you hire or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company), or members of their households.

5. PHYSICAL DAMAGE - ADDITIONAL TEMPORARY TRANSPORTATION EXPENSE COVERAGE

Paragraph A.4.a. of SECTION III - PHYSICAL DAMAGE COVERAGE is amended to provide a limit of \$50 per day and a maximum limit of \$1,000.

6. LOAN/LEASE GAP COVERAGE

Under SECTION III - PHYSICAL DAMAGE COVERAGE, in the event of a total "loss" to a covered "auto", we will pay your additional legal obligation for any difference between the actual cash value of the "auto" at the time of the "loss" and the "outstanding balance" of the loan/lease.

"Outstanding balance" means the amount you owe on the loan/lease at the time of "loss" less any amounts representing taxes; overdue payments; penalties, interest or charges resulting from overdue payments; additional mileage charges; excess wear and tear charges; lease termination fees; security deposits not returned by the lessor; costs for extended warranties, credit life Insurance, health, accident or disability insurance purchased with the loan or lease; and carry-over balances from previous loans or leases.

7. AIRBAG COVERAGE

Under Paragraph B. EXCLUSIONS - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

The exclusion relating to mechanical breakdown does not apply to the accidental discharge of an airbag.

8. ELECTRONIC EQUIPMENT - BROADENED COVERAGE

a. The exceptions to Paragraphs B.4 - EXCLUSIONS - of SECTION III - PHYSICAL DAMAGE COVERAGE are replaced by the following:

Exclusions **4.c.** and **4.d.** do not apply to equipment designed to be operated solely by use of the power from the "auto's" electrical system that, at the time of "loss", is:

- (1) Permanently installed in or upon the covered "auto";
- (2) Removable from a housing unit which is permanently installed in or upon the covered "auto";
- (3) An integral part of the same unit housing any electronic equipment described in Paragraphs (1) and (2) above; or

- (4) Necessary for the normal operation of the covered "auto" or the monitoring of the covered "auto's" operating system.

b. Section III – Version CA 00 01 03 10 of the Business Auto Coverage Form, Physical Damage Coverage, Limit of Insurance, Paragraph C.2 and Version CA 00 01 10 01 of the Business Auto Coverage Form, Physical Damage Coverage, Limit of Insurance, Paragraph C are each amended to add the following:

\$1,500 is the most we will pay for "loss" in any one "accident" to all electronic equipment (other than equipment designed solely for the reproduction of sound, and accessories used with such equipment) that reproduces, receives or transmits audio, visual or data signals which, at the time of "loss", is:

- (1) Permanently installed in or upon the covered "auto" in a housing, opening or other location that is not normally used by the "auto" manufacturer for the installation of such equipment;
- (2) Removable from a permanently installed housing unit as described in Paragraph 2.a. above or is an integral part of that equipment; or
- (3) An integral part of such equipment.

c. For each covered "auto", should loss be limited to electronic equipment only, our obligation to pay for, repair, return or replace damaged or stolen electronic equipment will be reduced by the applicable deductible shown in the Declarations, or \$250, whichever deductible is less.

9. EXTRA EXPENSE - BROADENED COVERAGE

Under Paragraph A. - COVERAGE - of SECTION III - PHYSICAL DAMAGE COVERAGE, we will pay for the expense of returning a stolen covered "auto" to you.

10. GLASS REPAIR - WAIVER OF DEDUCTIBLE

Under Paragraph D. - DEDUCTIBLE - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

No deductible applies to glass damage if the glass is repaired rather than replaced.

11. TWO OR MORE DEDUCTIBLES

Under Paragraph D. - DEDUCTIBLE - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

If another Hartford Financial Services Group, Inc. company policy or coverage form that is not an automobile policy or coverage form applies to the same "accident", the following applies:

- (1) If the deductible under this Business Auto Coverage Form is the smaller (or smallest) deductible, it will be waived;
- (2) If the deductible under this Business Auto Coverage Form is not the smaller (or smallest) deductible, it will be reduced by the amount of the smaller (or smallest) deductible.

12. AMENDED DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS

The requirement in LOSS CONDITIONS 2.a. - DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS - of SECTION IV - BUSINESS AUTO CONDITIONS that you must notify us of an "accident" applies only when the "accident" is known to:

- (1) You, if you are an individual;
- (2) A partner, if you are a partnership;
- (3) A member, if you are a limited liability company; or
- (4) An executive officer or insurance manager, if you are a corporation.

13. UNINTENTIONAL FAILURE TO DISCLOSE HAZARDS

If you unintentionally fail to disclose any hazards existing at the inception date of your policy, we will not deny coverage under this Coverage Form because of such failure.

14. HIRED AUTO - COVERAGE TERRITORY

Paragraph e. of GENERAL CONDITIONS 7. - POLICY PERIOD, COVERAGE TERRITORY - of SECTION IV - BUSINESS AUTO CONDITIONS is replaced by the following:

- e. For short-term hired "autos", the coverage territory with respect to Liability Coverage is anywhere in the world provided that if the "insured's" responsibility to pay damages for "bodily injury" or "property damage" is determined in a "suit," the "suit" is brought in the United States of America, the territories and possessions of the United States of America, Puerto Rico or Canada or in a settlement we agree to.

15. WAIVER OF SUBROGATION

TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US - of SECTION IV - BUSINESS AUTO CONDITIONS is amended by adding the following:

We waive any right of recovery we may have against any person or organization with whom you have a written contract that requires such waiver because of payments we make for damages under this Coverage Form.

16. RESULTANT MENTAL ANGUISH COVERAGE

The definition of "bodily injury" in SECTION V-DEFINITIONS is replaced by the following:

"Bodily injury" means bodily injury, sickness or disease sustained by any person, including mental anguish or death resulting from any of these.

17. EXTENDED CANCELLATION CONDITION

Paragraph 2. of the COMMON POLICY CONDITIONS - CANCELLATION - applies except as follows:

If we cancel for any reason other than nonpayment of premium, we will mail or deliver to the first Named Insured written notice of cancellation at least 60 days before the effective date of cancellation.

18. HYBRID, ELECTRIC, OR NATURAL GAS VEHICLE PAYMENT COVERAGE

In the event of a total loss to a "non-hybrid" auto for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, then such Physical Damage Coverages are amended as follows:

- a. If the auto is replaced with a "hybrid" auto or an auto powered solely by electricity or natural gas, we will pay an additional 10%, to a maximum of \$2,500, of the "non-hybrid" auto's actual cash value or replacement cost, whichever is less,
- b. The auto must be replaced and a copy of a bill of sale or new lease agreement received by us within 60 calendar days of the date of "loss,"

c. Regardless of the number of autos deemed a total loss, the most we will pay under this Hybrid, Electric, or Natural Gas Vehicle Payment Coverage provision for any one "loss" is \$10,000.

For the purposes of the coverage provision,

- a. A "non-hybrid" auto is defined as an auto that uses only an internal combustion engine to move the auto but does not include autos powered solely by electricity or natural gas.
- b. A "hybrid" auto is defined as an auto with an internal combustion engine and one or more electric motors; and that uses the internal combustion engine and one or more electric motors to move the auto, or the internal combustion engine to charge one or more electric motors, which move the auto.

19. VEHICLE WRAP COVERAGE

In the event of a total loss to an "auto" for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, then such Physical Damage Coverages are amended to add the following:

In addition to the actual cash value of the "auto", we will pay up to \$1,000 for vinyl vehicle wraps which are displayed on the covered "auto" at the time of total loss. Regardless of the number of autos deemed a total loss, the most we will pay under this Vehicle Wrap Coverage provision for any one "loss" is \$5,000. For purposes of this coverage provision, signs or other graphics painted or magnetically affixed to the vehicle are not considered vehicle wraps.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 6
(This Section for use by Clerk of the Board Only.)

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: October 23, 2018

Vote Requirement: 4/5

Department or Agency Name(s): Sonoma County Water Agency

Staff Name and Phone Number:

Brad Sherwood / 547-1927

Supervisorial District(s):

Fourth

Title: Quagga and Zebra Mussel Inspection, Demonstration, and Training

Recommended Actions:

- A. Authorize Sonoma County Water Agency's General Manager to execute the First Amended Agreement for Quagga and Zebra Mussel Inspection and Training with Dogs With Jobs, LLC to continue providing quagga and zebra mussel inspection, demonstration, training, and related services increasing the amount by \$125,000 for a new not-to-exceed agreement total of \$355,000 with no change to end date of December 31, 2019.
- B. Adopt a resolution authorizing adjustments to the Sonoma County Water Agency's Fiscal Year 2018/2019 adopted budget for the Russian River Projects in the amount of \$125,000 for the quagga and zebra mussel inspection and training.

Executive Summary:

This item requests authority for the Sonoma County Water Agency's (Sonoma Water) General Manager to execute an amended agreement with Dogs With Jobs, LLC (Consultant) to provide quagga and zebra mussel inspection, demonstration, training, and related services increasing the amount by \$125,000 for a new not-to-exceed agreement total of \$355,000 with no change to end date of December 31, 2019. Consultant will provide 166 full days of inspections, up to 80 at Lake Sonoma and 86 at Lake Mendocino, as part of an effort to prevent invasive mussels in these bodies of water.

Discussion:

HISTORY OF ITEM/BACKGROUND

Quagga and zebra mussels are an invasive mussel that, if introduced into a waterway, can devastate the natural environment, clog water and flood protection infrastructure, and cost millions of dollars in maintenance. Mussels are transported between waterways by watercraft, primarily recreational boats. Sonoma Water is a member of the North Coast Mussel Prevention Consortium and is working with North Coast Mussel Prevention Consortium's partner agencies to implement watercraft inspections at both Lake Mendocino and Lake Sonoma. Lake Sonoma and Mendocino are currently mussel free, however mussels have infested a waterway south of Sonoma County, in San Benito County.

In April 2018, Sonoma Water and Consultant entered into an agreement for quagga and zebra mussel inspection demonstrations and to provide training for watercraft inspectors. Consultant has performed boat inspections at both lakes since 2012 and will adhere to the North Coast Mussel Prevention Consortium’s prevention plan during the inspection process.

In 2014, Sonoma Water provided the U.S. Army Corps of Engineers (the Corps) \$125,000 to assist with mussel prevention efforts. The Corps did not use the funds and returned them to Sonoma Water this year. Sonoma Water staff now propose using these funds to increase mussel inspections at both Lake Sonoma and Lake Mendocino.

SELECTION PROCESS

The Consultant was chosen based on Consultant’s knowledge and prior experience implementing boat inspections at both Lake Sonoma and Lake Mendocino. There are no other consultants that provide mussel detecting canines in California. Consultant provides a unique service that helps meet the goals of Sonoma Water’s prevention program.

SERVICES TO BE PERFORMED

Under the proposed amended agreement, Consultant will continue to provide quagga and zebra mussel inspections and demonstrations, utilizing a team of specially trained canines to help inspect boats. This will help educate boaters on how to clean, drain, and dry their boats to better protect our waterways from a mussel infestation. In addition, Consultant will continue providing boat inspection training at Lake Sonoma to volunteer inspectors to help develop year-round inspections at both reservoirs. This amended agreement increases the amount by \$125,000 in order to add 68 days of inspections to the 98 days begun under the original agreement, for a new not-to-exceed agreement total of \$355,000. There is no change to end date of December 31, 2019.

The Corps and the Friends of Lake Sonoma will partner with Sonoma Water to implement boat inspections and public awareness at the reservoirs. The California Department of Fish and Wildlife will provide law enforcement as needed. The Sonoma County Sheriff’s Office, which provides law enforcement on Lake Sonoma, is also a key partner in helping educate boaters about the importance of mussel inspections.

RECOMMENDATIONS

Sonoma Water staff recommends that the Board authorize Sonoma Water’s General Manager to execute an amended agreement with Dogs With Jobs, LLC for continued quagga and zebra mussel inspection, demonstration, training, and related services through December 31, 2019 in the amount of \$355,000.

Prior Board Actions:

- 04/24/2018: Authorized the General Manager to execute an agreement with Dogs With Jobs, LLC (formerly Central Valley Detection Canine) to provide quagga and zebra mussel inspection, demonstration, training, and related services. Cost \$230,000; agreement term end December 31, 2019.
- 05/03/2016: Authorized the Chair to execute an agreement with Central Valley Detection Canine to provide quagga and zebra mussel inspection, demonstration, training, and related services. Cost \$201,000; agreement term end December 31, 2017.

- 06/23/2015: Approved amended agreement between Sonoma Water and Central Valley Detection Canine for quagga and zebra mussel inspections. Cost \$52,400 for a new not-to-exceed agreement total of \$70,000; term end December 31, 2015.
- 03/03/2015: Authorized the General Manager to execute a Memorandum of Understanding between Sonoma Water and The Corps for the Lake Mendocino and Lake Sonoma Projects Quagga.
- 05/12/2012: Authorized the Chair to execute the Memorandum of Understanding Regarding the North Coast Zebra and Quagga Mussel Consortium, between the County of Sonoma and Sonoma Water, and Mendocino and Humboldt Counties, Marin Municipal Water District, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District.
- 01/10/2012: Approved resolution identifying the potential for an infestation of zebra and quagga mussels into North Coast waterways and directed staff to coordinate a consortium through the Eel Russian River Commission that would implement prevention planning against an infestation of mussels.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

This amended agreement will support efforts to further protect the Russian River watershed from the introduction of invasive species. Protecting the watershed is critical, ensuring the region’s water supply remains resilient today and for future generations.

Water Supply and Transmission System, Goal 2: Maintain and Improve the reliability of the Water Transmission System. Preventing the introduction of mussels into the water transmission system, including Lake Sonoma and Mendocino, protects the resiliency and operations of critical habitat and infrastructure.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested	\$125,000		
Total Expenditures	\$125,000		
Funding Sources			
General Fund/WA GF			
State/Federal	\$125,000		
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$125,000		
Narrative Explanation of Fiscal Impacts:			
Additional appropriations of \$125,000 are required to process this expense. With Board approval of the attached budgetary resolution, FY 2018/2019 appropriations of \$125,000 will be made in the Russian River Projects Fund with \$125,000 offsetting prior year revenue from the U.S. Army Corps of Engineers.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
N/A			
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Amended Agreement Resolution			
Related Items "On File" with the Clerk of the Board:			

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Directors Of The Sonoma County Water Agency, Authorizing Adjustments to the Board Adopted Budget for Fiscal Year 2018-2019 for the Sonoma County Water Agency Russian River Projects Fund in the Amount of \$125,000 with \$125,000 in Offsetting Revenue from United States Army Corps of Engineers.

Whereas, the Board of Directors of the Sonoma County Water Agency (Sonoma Water) adopted the Sonoma Water Fiscal Year 2018-2019 budget on June 15, 2018; and

Whereas, Sections 29088 through 29092 of the Government Code, State of California allow for adjustments to the Fiscal Year 2018-2019 Adopted Budget; and

Whereas, Sonoma Water desires to adjust the Fiscal Year 2018-2019 Adopted Budget for the Sonoma Water Russian River Projects Fund in the amount of \$125,000 for the continuation of the Quagga and Zebra Mussel Inspection Program as part of an effort to prevent invasive mussels with offsetting revenue of \$125,000 from the United States Army Corps of Engineers; and

Whereas, a resolution from Sonoma Water’s governing board authorizing such budget adjustment is required.

Now, Therefore, Be It Resolved that the County Auditor-Controller-Treasurer-Tax Collector and the County Administrator are hereby authorized and directed to complete the budgetary and accounting transfers and adjustments to the Sonoma Water Fiscal Year 2018-2019 budget as follows:

Fiscal Year 2018-2019 Expenditures		Amount
44105-33030300	Russian River Projects	
51803	Other Contract Services	125,000
Total Expenditures		125,000

Resolution #

Date:

Page 2

Fiscal Year 2018-2019 Funding Sources		
44105-33030300	Russian River Projects	
46204	PY Intergovernmental Revenue - Other	125,000
Total Funding Sources		125,000

Directors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

First Amended Agreement for Quagga and Zebra Mussel Inspection Program

This first amended agreement (“First Amended Agreement” or “Agreement”) is by and between Sonoma County Water Agency, a body corporate and politic of the State of California (“Water Agency”) and **Dogs With Jobs, LLC**, a limited liability company (“Consultant”). The Effective Date of this Agreement is the date the Agreement is last signed by the parties to the Agreement, unless otherwise specified in Paragraph 5.1.

RECITALS

- A. Consultant represents that it is a duly qualified detection canine firm, experienced in quagga and zebra mussel inspection demonstrations, training, and related services.
- B. Quagga and zebra mussels are an invasive mussel that, if introduced into a waterway, can devastate the natural environment, clog water and flood protection infrastructure, and cost millions of dollars in maintenance.
- C. Water Agency is a member of the North Coast Mussel Prevention Consortium and is working with the North Coast Mussel Prevention Consortium’s partner agencies to implement watercraft inspection demonstrations at both Lake Mendocino and Lake Sonoma.
- D. Water Agency requires Consultant's expertise and assistance to continue the inspection demonstrations and to provide training for watercraft inspectors.
- E. Water Agency and Consultant first entered into this Agreement on April 24, 2018.
- F. This First Amended Agreement adds \$125,000 to the amount with no time extension in order to increase mussel inspections at Lake Sonoma and Lake Mendocino.
- G. This First Amended Agreement supersedes all previous agreements between the parties.

In consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1. RECITALS

- 1.1. The above recitals are true and correct.

2. LIST OF EXHIBITS

- 2.1. The following exhibits are attached hereto and incorporated herein:
 - a. Exhibit A: Scope of Work
 - b. Exhibit B: Schedule of Rates
 - c. Exhibit C: Insurance Requirements

3. SCOPE OF SERVICES

- 3.1. *Consultant’s Specified Services:* Consultant shall perform the services described in Exhibit A (Scope of Work), within the times or by the dates provided for in Exhibit A and pursuant to Article 9 (Prosecution of Work). In the event of a conflict between the body of this Agreement and Exhibit A, the provisions in the body of this Agreement shall control.
- 3.2. *Cooperation with Water Agency:* Consultant shall cooperate with Water Agency in the performance of all work hereunder. Consultant shall coordinate the work with Water Agency’s Project Manager. Contact information and mailing addresses:

Water Agency	Consultant
Project Manager: Brad Sherwood 404 Aviation Boulevard Santa Rosa, CA 95403-9019 Phone: 707-547-1927 Email: Brad.Sherwood@scwa.ca.gov	Contact: Debra DeShon 5404 Epperson Ct. Oakdale, CA 95361 Phone: 209-853-2812 Email: deshon@musseldogs.info
<p style="text-align: center;">Remit invoices to:</p> Susan Bookmyer Same address as above or Email: susan.bookmyer@scwa.ca.gov	<p style="text-align: center;">Remit payments to:</p> Same address as above

- 3.3. *Performance Standard and Standard of Care:* Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with the standards of a reasonable professional having specialized knowledge and expertise in the services provided under this Agreement and in accordance with all applicable federal, state and local laws, it being understood that acceptance of Consultant’s work by Water Agency shall not operate as a waiver or release. Water Agency has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. If Water Agency determines that any of Consultant’s work is not in accordance with such level of competency and standard of care, Water Agency, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with Water Agency to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 6 (Termination); or (d) pursue any and all other remedies at law or in equity.
- 3.4. *Assigned Personnel:*
 - a. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time Water Agency, in its sole discretion, desires the removal of any person or persons assigned by Consultant to

perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from Water Agency.

- b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by Water Agency to be key personnel whose services were a material inducement to Water Agency to enter into this Agreement, and without whose services Water Agency would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of Water Agency.
- c. With respect to performance under this Agreement, Consultant shall employ the following key personnel:

<i>Title</i>	<i>Name</i>
Owner	Debra DeShon

- d. In the event that any of Consultant’s personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness, or other factors outside of Consultant’s control, Consultant shall be responsible for timely provision of adequately qualified replacements.

4. PAYMENT

4.1. *Total Costs:*

- a. Total costs under this Agreement shall not exceed \$355,000.
 - i. Year 1 costs shall not exceed 115,000.
 - ii. Year 2 costs shall not exceed \$240,000.

4.2. *Method of Payment:* Consultant shall be paid in accordance with the following terms:

- a. Consultant shall be paid in accordance with Exhibit B (Schedule of Rates). Billed hourly rates shall include all costs for overhead and any other charges, other than expenses specifically identified in Exhibit B. Expenses not expressly authorized by the Agreement shall not be reimbursed.
- b. Consultant shall not be entitled to reimbursement for expenses incurred in completion of the services.

4.3. *Invoices:* Consultant shall submit its bills in arrears on a monthly basis, based on work completed for the period, in a form approved by Water Agency. The bills shall show or include:

- a. Consultant name
- b. Name of Agreement
- c. Water Agency’s Project-Activity Code W0037C018
- d. Task performed with an itemized description of services rendered by date

- e. Summary of work performed by subconsultants, as described in Paragraph 15.4
- f. Time in quarter hours devoted to the task
- g. Hourly rate or rates of the persons performing the task

4.4. *Timing of Payments:* Unless otherwise noted in this Agreement, payments shall be made within the normal course of Water Agency business after presentation of an invoice in a form approved by Water Agency for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by Water Agency.

4.5. *Taxes Withheld by Water Agency:*

- a. Pursuant to California Revenue and Taxation Code (R&TC) section 18662, the Water Agency shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this Agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.
- b. If Consultant does not qualify, as described in Paragraph 4.5.a, Water Agency requires that a completed and signed Form 587 be provided by Consultant in order for payments to be made. If Consultant is qualified, as described in Paragraph 4.5.a, then Water Agency requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, Consultant agrees to promptly notify Water Agency of any changes in the facts. Forms should be sent to Water Agency pursuant to Article 16 (Method and Place of Giving Notice, Submitting Bills, and Making Payments) of this Agreement. To reduce the amount withheld, Consultant has the option to provide Water Agency with either a full or partial waiver from the State of California.

4.6. *Funding:*

- a. Funding for this Agreement is as follows:

<i>Current Fiscal Year</i>	<i>Budgeted Appropriation</i>
2017/2018	\$115,000
<i>Subsequent Fiscal Years</i>	<i>Planned Appropriation</i>
2018/2019	\$240,000

- b. Availability of Funding in Subsequent Fiscal Years:
 - i. Water Agency’s performance under this Agreement in subsequent years is contingent upon appropriation of funds by Water Agency’s Board of Directors. Water Agency shall have no liability under this Agreement if

sufficient funds are not appropriated in subsequent fiscal years by Water Agency's Board of Directors for the purpose of this Agreement.

- ii. If funding for this Agreement for any fiscal year is reduced or eliminated by Water Agency's Board of Directors, Water Agency shall have the option to either terminate this Agreement in accordance with Article 6 (Termination) or offer an amendment to Consultant to reflect the reduced amount.

5. TERM OF AGREEMENT AND COMMENCEMENT OF WORK

- 5.1. Term of Agreement:
 - a. This Agreement shall expire on December 31, 2019, unless terminated earlier in accordance with the provisions of Article 6 (Termination).
- 5.2. Commencement of Work:
 - a. Consultant is authorized to proceed immediately with the performance of this Agreement upon the Effective Date of this Agreement.

6. TERMINATION

- 6.1. *Authority to Terminate:* Water Agency's right to terminate may be exercised by Water Agency's General Manager.
- 6.2. *Termination Without Cause:* Notwithstanding any other provision of this Agreement, at any time and without cause, Water Agency shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Consultant.
- 6.3. *Termination for Cause:* Notwithstanding any other provision of this Agreement, should Consultant fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, Water Agency may immediately terminate this Agreement by giving Consultant written notice of such termination, stating the reason for termination.
- 6.4. *Delivery of Work Product and Final Payment Upon Termination:* In the event of termination, Consultant, within 14 days following the date of termination, shall deliver to Water Agency all reports, original drawings, graphics, plans, studies, and other data or documents, in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement subject to Paragraph 12.9 and shall submit to Water Agency an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.
- 6.5. *Payment Upon Termination:* Upon termination of this Agreement by Water Agency, Consultant shall be entitled to receive as full payment for all services

satisfactorily rendered and reimbursable expenses properly incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total payment; provided, however, that if services are to be paid on a per-hour or per-day basis, then Consultant shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to termination multiplied by the applicable hourly or daily rate; and further provided, however, that if Water Agency terminates the Agreement for cause pursuant to Paragraph 6.3, Water Agency shall deduct from such amounts the amount of damage, if any, sustained by Water Agency by virtue of the breach of the Agreement by Consultant.

7. INDEMNIFICATION

7.1. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including Sonoma County Water Agency, and to indemnify, hold harmless, and release Sonoma County Water Agency, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against Sonoma County Water Agency based upon a claim relating to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Article 7 apply whether or not there is concurrent or contributory negligence on the part of Sonoma County Water Agency, but, to the extent required by law, excluding liability due to conduct of Sonoma County Water Agency. Sonoma County Water Agency shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

8. INSURANCE

8.1. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit C (Insurance Requirements).

9. PROSECUTION OF WORK

9.1. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement

shall be extended by a number of days equal to the number of days Consultant has been delayed.

10. EXTRA OR CHANGED WORK

10.1. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Changes to lengthen time schedules or make minor modifications to the scope of work, which do not increase the amount paid under the Agreement, may be executed by the Water Agency's General Manager in a form approved by County Counsel. The parties expressly recognize that Water Agency personnel are without authorization to order all other extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of Water Agency.

11. CONTENT ONLINE ACCESSIBILITY

- 11.1. *Accessibility:* Water Agency policy requires that all documents that may be published to the Web meet accessibility standards to the greatest extent possible, and utilizing available existing technologies.
- 11.2. *Standards:* All consultants responsible for preparing content intended for use or publication on a Water Agency managed or Water Agency funded web site must comply with applicable federal accessibility standards established by 36 C.F.R. section 1194, pursuant to section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. section 794(d)), and Water Agency's Web Site Accessibility Policy located at <http://webstandards.sonoma-county.org>.
- 11.3. *Certification:* With each final deliverable intended for public distribution (report, presentations posted to the Internet, public outreach materials), Consultant shall include a descriptive summary describing how all deliverable documents were assessed for accessibility (e.g., Microsoft Word accessibility check; Adobe Acrobat accessibility check, or other commonly accepted compliance check).
- 11.4. *Alternate Format:* When it is strictly impossible due to the unavailability of technologies required to produce an accessible document, Consultant shall identify the anticipated accessibility deficiency prior to commencement of any work to produce such deliverables. Consultant agrees to cooperate with Water Agency staff in the development of alternate document formats to maximize the facilitative features of the impacted document(s); e.g., embedding the document with alt-tags that describe complex data/tables.

- 11.5. *Noncompliant Materials; Obligation to Cure:* Remediation of any materials that do not comply with Water Agency's Web Site Accessibility Policy shall be the responsibility of Consultant. If Water Agency, in its sole and absolute discretion, determines that any deliverable intended for use or publication on any Water Agency managed or Water Agency funded Web site does not comply with Water Agency Accessibility Standards, Water Agency will promptly inform Consultant in writing. Upon such notice, Consultant shall, without charge to Water Agency, repair or replace the non-compliant materials within such period of time as specified by Water Agency in writing. If the required repair or replacement is not completed within the time specified, Water Agency shall have the right to do any or all of the following, without prejudice to Water Agency's right to pursue any and all other remedies at law or in equity:
- a. Cancel any delivery or task order
 - b. Terminate this Agreement pursuant to the provisions of Article 6 (Termination); and/or
 - c. In the case of custom Electronic and Information Technology (EIT) developed by Consultant for Water Agency, Water Agency may have any necessary changes or repairs performed by itself or by another contractor. In such event, Consultant shall be liable for all expenses incurred by Water Agency in connection with such changes or repairs.
- 11.6. *Water Agency's Rights Reserved:* Notwithstanding the foregoing, Water Agency may accept deliverables that are not strictly compliant with Water Agency Accessibility Standards if Water Agency, in its sole and absolute discretion, determines that acceptance of such products or services is in Water Agency's best interest.

12. REPRESENTATIONS OF CONSULTANT

- 12.1. *Status of Consultant:* The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of Water Agency and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits Water Agency provides its employees. In the event Water Agency exercises its right to terminate this Agreement pursuant to Article 6 (Termination), Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.
- 12.2. *No Suspension or Debarment:* Consultant warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Consultant also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration.

- 12.3. *Taxes:* Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to indemnify and hold Water Agency harmless from any liability which it may incur to the United States or to the State of California or to any other public entity as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case Water Agency is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish Water Agency with proof of payment of taxes on these earnings.
- 12.4. *Records Maintenance:* Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to Water Agency for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.
- 12.5. *Conflict of Interest:* Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if required by law or requested to do so by Water Agency, Consultant shall submit a completed Fair Political Practices Commission Statement of Economic Interests (Form 700) with Water Agency within 30 calendar days after the Effective Date of this Agreement and each year thereafter during the term of this Agreement, or as required by state law.
- 12.6. *Statutory Compliance/Living Wage Ordinance:* Consultant agrees to comply, and to ensure compliance by its subconsultants or subcontractors, with all applicable federal, state and local laws, regulations, statutes and policies, including but not limited to the County of Sonoma Living Wage Ordinance, applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, Consultant expressly acknowledges and agrees that this Agreement is subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.
- 12.7. *Nondiscrimination:* Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex,

marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

- 12.8. *Assignment of Rights:* Consultant assigns to Water Agency all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to Water Agency in this Agreement, and to refrain from taking any action which would impair those rights. Consultant's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as Water Agency may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of Water Agency. Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of Water Agency.
- 12.9. *Ownership and Disclosure of Work Product:* All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of Water Agency. Water Agency shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to Water Agency all such documents, which have not already been provided to Water Agency in such form or format as Water Agency deems appropriate. Such documents shall be and will remain the property of Water Agency without restriction or limitation. Consultant may retain copies of the above described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of Water Agency.

13. PREVAILING WAGES

- 13.1. *Prevailing Wage Exemption; No Subcontracting:* Because all work to be performed pursuant to this Agreement will be performed by Consultant employees, the parties agree that the work is exempt from California prevailing wage requirements. Consultant shall not subcontract any portion of the work, except as Water Agency may specifically authorize (after a review of any implications under California's prevailing wage laws).

14. DEMAND FOR ASSURANCE

- 14.1. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either

party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article 14 limits Water Agency's right to terminate this Agreement pursuant to Article 6 (Termination).

15. ASSIGNMENT AND DELEGATION

- 15.1. *Consent:* Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.
- 15.2. *Subcontracts:* Notwithstanding the foregoing, Consultant may enter into subcontracts with the subconsultants specifically identified herein. If no subconsultants are listed, then no subconsultants will be utilized in the performance of the work specified in this Agreement.
- 15.3. *Change of Subcontractors or Subconsultants:* If, after execution of the Agreement, parties agree that subconsultants not listed in Paragraph 15.2 will be utilized, Consultant may enter into subcontracts with subconsultants to perform other specific duties pursuant to the provisions of this Paragraph 15.2. The following provisions apply to any subcontract entered into by Consultant other than those listed in Paragraph 15.2 :
 - a. Prior to entering into any contract with subconsultant, Consultant shall obtain Water Agency approval of subconsultant.
 - b. All agreements with subconsultants shall (a) contain indemnity requirements in favor of Water Agency in substantially the same form as that contained in Article 7 (Indemnification), (b) contain language that the subconsultant may be terminated with or without cause upon reasonable written notice, and (c) prohibit the assignment or delegation of work under the agreement to any third party.
- 15.4. *Summary of Subconsultants' Work:* Consultant shall provide Water Agency with a summary of work performed by subconsultants with each invoice submitted under Paragraph 4.3. Such summary shall identify the individuals performing work on behalf of subconsultants and the total amount paid to subconsultant, broken down by the tasks listed in the Scope of Work.

16. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS, AND MAKING PAYMENTS

- 16.1. *Method of Delivery:* All notices, bills, and payments shall be made in writing and shall be given by personal delivery, U.S. Mail, courier service, or electronic means. Notices, bills, and payments shall be addressed as specified in Paragraph 3.2.
- 16.2. *Receipt:* When a notice, bill, or payment is given by a generally recognized overnight courier service, the notice, bill, or payment shall be deemed received on the next business day. When a copy of a notice, bill, or payment is sent by electronic means, the notice, bill, or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill, or payment is deposited in the U.S. mail and postmarked on the date of the electronic transmission (for a payment, on or before the due date), (2) the sender has a written confirmation of the electronic transmission, and (3) the electronic transmission is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills, and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this Article 16.

17. MISCELLANEOUS PROVISIONS

- 17.1. *No Bottled Water:* In accordance with Water Agency Board of Directors Resolution No. 09-0920, dated September 29, 2009, no Water Agency funding shall be used to purchase single-serving, disposable water bottles for use in Water Agency facilities or at Water Agency-sponsored events. This restriction shall not apply when potable water is not available.
- 17.2. *No Waiver of Breach:* The waiver by Water Agency of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or promise or any subsequent breach of the same or any other term or promise contained in this Agreement.
- 17.3. *Construction:* To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and Water Agency acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and Water Agency acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

- 17.4. *Consent:* Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.
- 17.5. *No Third-Party Beneficiaries:* Except as provided in Article 7 (Indemnification), nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.
- 17.6. *Applicable Law and Forum:* This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or in the forum nearest to the city of Santa Rosa, in the County of Sonoma.
- 17.7. *Captions:* The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.
- 17.8. *Merger:* This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure section 1856. Each Party acknowledges that, in entering into this Agreement, it has not relied on any representation or undertaking, whether oral or in writing, other than those which are expressly set forth in this Agreement. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.
- 17.9. *Survival of Terms:* All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.
- 17.10. *Time of Essence:* Time is and shall be of the essence of this Agreement and every provision hereof.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date last signed by the parties to the Agreement.

Reviewed as to funds:

TW 17/18-072A

By: _____
Water Agency Division Manager -
Administrative Services

Approved as to form:

By: _____
Cory O'Donnell, Deputy County Counsel

Insurance Documentation is on file with
Water Agency

Date/TW Initials: 8/16/18 JES

Sonoma County Water Agency

**Dogs With Jobs, LLC, a limited liability
company**

By: _____
Grant Davis
General Manager
Authorized per Water Agency's Board of
Directors Action on October 23, 2018

By: _____

(Please print name here)

Title: _____

Date: _____

Date: _____

Exhibit A

Scope of Work

1. TASKS

1.1. Task 1: Boat ramp inspections

- a. Provide 166 full days of inspections, up to 80 at Lake Sonoma and 86 at Lake Mendocino
- b. Each inspection shall be scheduled for a minimum of two consecutive days
- c. Each inspection shall be a maximum of eight hours: seven hours of inspection demonstration activities and one hour for set-up and tear-down time
- d. Provide canine team and two people at each inspection
- e. Provide dead mussels at each inspection for the dogs to inspect
- f. Provide proof of California Department of Fish and Wildlife permit for carrying mussels

Deliverable	Due Date
Boat ramp inspections at Lake Sonoma	As mutually agreed upon by the Parties, but in no even later than November 1 st of 2018 and 2019, respectively
Boat ramp inspections at Lake Mendocino	As mutually agreed upon by the Parties, but in no even later than November 1 st of 2018 and 2019, respectively

1.2. Task 2: Training

- a. Provide a one-day boat inspection training at Lake Sonoma
- b. Training shall focus on educating watercraft mussel prevention inspectors to properly inspect boats for mussels
- c. Training shall be conducted based on the North Coast Consortium Prevention Plan. The prevention plan can be referenced online at www.dontmoveamussel.com
- d. Class maximum: Eight people
- e. Supply training materials, manuals, and agendas for the trainings
- f. Water Agency will coordinate the exact location for training and arrange for example boats for training
- g. Coordinate with U.S. Army Corp of Engineers and Friends of Lake Sonoma for training participants

Deliverable	Due Date
One training and training materials	May 15, 2019

1.3. Task 3: Public Appearances

- a. Provide a canine and a handler for public appearances at the request of the Water Agency at events such as the Steelhead Festival

Deliverable	Due Date
To be determined	To be determined

2. DELIVERABLES

- 2.1. Submit one electronic copy in PDF format (emailed, on CD, or via internet) and three hard copies of each final deliverable to Water Agency
- 2.2. Comply with requirements of Article 11 (Content Online Accessibility).

Exhibit B

Schedule of Costs

Description	Rate
Consultant	\$600 per day in person
	\$62 per hour by phone
Boat ramp staffing 1 canine and handler plus inspector (8 hours per day)	\$930 per day
Boat ramp staffing 2 canines and handler plus inspector (8 hours per day)	\$1,100 per day
Add-ons	
Boat ramp staffing with canine team	\$125 per additional hour
Boat ramp staffing with 1 canine and handler plus inspector	\$930 per additional consecutive day
Boat ramp staffing with 2 canines and handler plus inspector	\$1,100 per additional consecutive day
Boat ramp staffing without canine (2 inspectors)	\$65 per hour
Boat inspection training	\$1,000 per day
Public Appearances	\$750 per day

Exhibit C

Insurance Requirements

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

Water Agency reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Consultant from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. INSURANCE

- 1.1. Workers Compensation and Employers Liability Insurance
 - a. Required if Consultant has employees as defined by the Labor Code of the State of California.
 - b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
 - c. Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
 - d. Required Evidence of Insurance: Certificate of Insurance.
- 1.2. General Liability Insurance
 - a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
 - b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Commercial Umbrella Liability Insurance. If Consultant maintains higher limits than the specified minimum limits, Water Agency requires and shall be entitled to coverage for the higher limits maintained by Consultant.
 - c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by Water Agency. Consultant is responsible for any deductible or self-insured retention and shall fund it upon Water Agency's written request, regardless of whether Consultant has a claim

against the insurance or is named as a party in any action involving the Water Agency.

- d. Sonoma County Water Agency, its officers, agents, and employees, shall be endorsed as additional insureds for liability arising out of operations by or on behalf of the Consultant in the performance of this Agreement.
- e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f. The policy definition of “insured contract” shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the “f” definition of insured contract in Insurance Services Office form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between the additional insureds and Consultant and include a “separation of insureds” or “severability” clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status, and
 - ii. Certificate of Insurance.

1.3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be provided by a combination of Automobile Liability Insurance and Commercial Excess or Commercial Umbrella Liability Insurance.
- b. Insurance shall cover all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Insurance shall cover hired and non-owned autos.
- d. Required Evidence of Insurance: Certificate of Insurance.

1.4. Standards for Insurance Companies

- a. Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

1.5. Documentation

- a. The Certificate of Insurance must include the following reference: TW 17/18-072A.
- b. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Insurance on file with Water Agency for the entire term of this Agreement and any additional periods if specified in Sections 1.1, 1.2, or 1.2.h.i above.

- c. The name and address for mailing Additional Insured endorsements and Certificates of Insurance is: Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95403-9019.
- d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- e. Consultant shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

1.6. Policy Obligations

- a. Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

1.7. Material Breach

- a. If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. Water Agency, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, Water Agency may purchase the required insurance, and without further notice to Consultant, Water Agency may deduct from sums due to Consultant any premium costs advanced by Water Agency for such insurance. These remedies shall be in addition to any other remedies available to Water Agency.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/23/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER insureCAL Insurance Agency 1065 Colorado Ave., Ste 5 Turlock CA 95380		CONTACT NAME: Colbie McRae PHONE (A/C, No, Ext): (209) 250-0269 E-MAIL ADDRESS: info@insurecal.com		FAX (A/C, No): (209) 633-5799	
INSURED Dogs With Jobs, LLC. DBA Mussel Dogs Po Box 238 Denair CA 95316		INSURER(S) AFFORDING COVERAGE		NAIC #	
		INSURER A: TALISMAN CASUALTY INSURANCE CO		15446	
		INSURER B: BEAZLEY INS CO INC		37540	
		INSURER C: STATE COMPENSATION INSURANCE FUND		35076	
		INSURER D:			
		INSURER E:			
		INSURER F:			

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		KP101723	03/24/2018	03/24/2019	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			KP101723	03/24/2018	03/24/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y	N/A	9225826-2018	02/08/2018	02/08/2019	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	Professional Liability			V1E2BC180201	03/27/2018	03/27/2019	Limit \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Sonoma County Water Agency its officers, agents, and employees, shall be additional insured(s) for liability arising out of operations by or on behalf of the above insured with regards to both parties contractual agreement. The insurance is primary and non-contributory.

CERTIFICATE HOLDER Sonoma County Water Agency 404 Aviation Blvd Santa Rosa CA 95403-9019	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<p>Name Of Additional Insured Person(s) Or Organization(s):</p> <p>Sonoma County Water Agency 404 Aviation Blvd Santa Rosa, CA 95403</p>
<p>Information required to complete this Schedule, if not shown above, will be shown in the Declarations.</p>

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable Limits of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY ADDITIONAL INSURED AMENDMENT OF CONDITIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

Sonoma County Water Agency
404 Aviation Blvd
Santa Rosa, CA 95403

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.

With respect to insurance provided to the person or organization shown in the Schedule of this Endorsement, **Condition 4. Other Insurance** is replaced by the following:

4. Other Insurance.

If other valid and collectible insurance is available for a loss we cover under Coverages A and B of this Coverage Part, our obligations are limited as follows:

a. Primary Insurance

This insurance is primary and we will not seek contribution from other insurance available to the person or organization shown in the Schedule of this endorsement except when b. below applies.

b. Excess Insurance

This insurance is excess over any of the other insurance whether primary, excess, contingent or on any other basis:

- (1) That is Fire, Extended Coverage, Builder's Risk, Installation Risk or similar coverage for "your work;"
- (2) That is Fire Insurance for premises rented to you; or
- (3) If the loss arises out of the maintenance or use of aircraft, "autos" or watercraft to the extent not subject to Exclusion g. of Coverage A (Section I).

When this insurance is excess, we will have no duty under Coverage A or B to defend any claim or "suit" that any other insurer has a duty to defend. If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

- (1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and
- (2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, with any other insurance that is not described in the Excess Insurance provisions and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

c. Method of Sharing

If all of the other insurance permits contribution by equal shares, we will follow this method also. Under this approach each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/23/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER insureCAL Insurance Agency 1065 Colorado Ave., Ste 5 Turlock CA 95380		CONTACT NAME: Colbie McRae PHONE (A/C, No, Ext): (209) 250-0269 FAX (A/C, No): (209) 633-5799 E-MAIL ADDRESS: info@insurecal.com	
INSURED Dogs With Jobs, LLC. DBA Mussel Dogs Po Box 238 Denair CA 95316		INSURER(S) AFFORDING COVERAGE INSURER A: TALISMAN CASUALTY INSURANCE CO NAIC # 15446 INSURER B: BEAZLEY INS CO INC 37540 INSURER C: STATE COMPENSATION INSURANCE FUND 35076 INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
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1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

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a. Primary Insurance

This insurance is primary and we will not seek contribution from other insurance available to the person or organization shown in the Schedule of this endorsement except when b. below applies.

b. Excess Insurance

This insurance is excess over any of the other insurance whether primary, excess, contingent or on any other basis:

- (1) That is Fire, Extended Coverage, Builder's Risk, Installation Risk or similar coverage for "your work;"
- (2) That is Fire Insurance for premises rented to you; or
- (3) If the loss arises out of the maintenance or use of aircraft, "autos" or watercraft to the extent not subject to Exclusion g. of Coverage A (Section I).

When this insurance is excess, we will have no duty under Coverage A or B to defend any claim or "suit" that any other insurer has a duty to defend. If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

- (1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and
- (2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, with any other insurance that is not described in the Excess Insurance provisions and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

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If all of the other insurance permits contribution by equal shares, we will follow this method also. Under this approach each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 7
(This Section for use by Clerk of the Board Only.)

To: Board of Commissioners

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Community Development Commission

Staff Name and Phone Number:

Martha Cheever, Housing Authority Manager
(707) 565-7521

Supervisorial District(s):

All

Title: Housing Authority Program and Service Delivery Enhancements

Recommended Actions:

1. Approve amendment to the Housing Authority Administrative Plan to ensure that some of the County's most vulnerable residents are able to maintain safe and stable housing.
2. Authorize the Executive Director of the Sonoma County Community Development Commission (SCCDC) to execute a Professional Services Agreement with NMA Inspection Services, LLC to perform inspections of rental housing units assisted under the Commission's programs for a term of November 1, 2018, through October 31, 2020, with three one-year renewal options for an amount not to exceed \$425,000 for the life of the agreement.

Executive Summary:

The Sonoma County Housing Authority (SCHA), a division of the Sonoma County Community Development Commission (SCCDC), administers rental assistance for approximately 3,000 low-income households in Sonoma County allowing them to rent units in the private rental market. To ensure that some of the County's most vulnerable residents are able to maintain safe and stable housing, the SCHA is requesting an amendment to its Administrative Plan and authorization to enter into an agreement for housing inspection services.

The requested change to the Administrative Plan will add an in-place homelessness prevention super preference for applicant households who are residing in a unit which is subject to the loss of affordability restrictions and through no fault of their own, the loss of the restriction places the occupant at imminent risk of losing stable housing and/or becoming homeless. The proposed change will improve service delivery to a high priority population, ensuring these individuals are able to maintain stable housing. As such, this modification aligns with current efforts to stabilize housing for some of the most vulnerable residents of the County.

In addition to the Administrative Plan change, the SCCDC is requesting authorization to enter into an agreement with NMA Inspection Services, LLC to conduct federally mandated inspections of rental units.

Federal regulations require that a housing quality standards (HQS) inspection be performed on all rental units which are assisted through housing authority programs; one inspection prior to the housing authority providing assistance and another either annually or biennially thereafter. Since 2010, the SCCDC has used private contractors to conduct the annual and biennial inspections. With the current contract due to expire, a Request for Proposals was released and widely publicized on August 31, 2018. Two proposals were received in response. A panel consisting of two SCCDC employees and one employee of the Santa Rosa Department of Housing and Community Services reviewed ranked the proposals. The proposal submitted by NMA Inspections, LLC was determined to be the highest ranking.

Discussion:

The Sonoma County Housing Authority (SCHA), a division of the Sonoma County Community Development Commission (SCCDC), administers the Housing Choice Voucher Program (previously known as the Section 8 program) and five other special needs rental assistance programs under contract with the US Department of Housing and Urban Development (“HUD”). These programs provide rental assistance to very low-income households enabling them to rent from private landlords utilizing a voucher from SCHA that subsidizes fair market rent rates based on family size. Through these programs, the Housing Authority provides rental assistance to approximately 3,000 low-income households, enabling them to obtain decent, safe, and sanitary housing in the private rental market.

Housing Authority Administrative Plan Amendment

The SCHA uses an Administrative Plan to serve as its local policy and procedural guide. In an effort to align the program with other safety net housing services, staff are proposing the addition of an in-place homeless prevention super preference. This referral-based preference will provide housing stability to in-place, low-income occupants upon expiration of affordability restrictions by making Housing Choice Vouchers available to those occupants who would otherwise be at risk of becoming homeless due to no fault of their own. Municipalities oftentimes place affordability restrictions upon a set number of units as part of a development agreement. These affordability restrictions cap the amount of rent that can be charged and ensure that units remain affordable for low-income tenants for the life of the agreement. Depending on the nature of a particular project, some affordability restrictions expire and are unable to be renewed. This scenario places the existing low-income tenants at risk of becoming unstably housed or homeless through no fault of their own.

The addition of this preference will have an immediate impact on 41 households currently living at the Oak View Apartments in Rohnert Park, where an affordability covenant is set to expire on November 30, 2018. If approved by the Board, these 41 households will be provided Housing Choice Vouchers enabling them to stay in-place regardless of potential rent increases.

As per regulatory requirements, a public hearing on this proposed preference change was broadly publicized and held before the Community Development Committee on October 17, 2018. This Committee of Board appointed representatives and tenant representatives recommended the item be submitted to the Board for consideration and formal approval.

Agreement for Housing Inspection Services

Federal regulations require that housing authorities conduct inspections of assisted rental units to ensure that these units meet certain housing quality standards (HQS) to ensure the health and safety of program participants. Since 2010, the SCCDC has used private contractors to conduct many of the

required annual and biennial inspections. The current agreement is with NMA Inspections, LLC (formerly Sterling Inspections) and is set to expire on October 31, 2018.

On August 31, 2018, the SCCDC issued a Request for Proposals (RFP) for housing inspection services. The Request for Proposals was emailed directly to six qualified vendors, published nationally through the National Association of Housing and Redevelopment Officials (NAHRO), and publicized on the SCCDC website. In response to the RFP, two proposals were received. A panel of three evaluators rated and ranked the proposals according to the criteria outlined within the RFP and NMA Inspections, LLC received the highest ranking.

Funding for this agreement is available from HUD through the Housing Choice Voucher program Administrative Fees. The SCCDC has sufficient funds in its current fiscal year budget to pay for the inspection services during the initial term of the Agreement.

Staff presented the recommendation of NMA Inspections, LLC to the Community Development Committee (Committee) on October 17, 2018. The Committee has recommended that the Board of Commissioners authorize the SCCDC Executive Director to enter into an Agreement with NMA Inspections, LLC, for a term of November 1, 2018 through October 31, 2020, for an amount not to exceed \$85,000 per year, with three one-year renewal options.

Prior Board Actions:

10/20/2015: Authorized the Executive Director to enter into a one year agreement with Sterling Management & Inspections, LLC with an option for two additional years.

7/10/2018: The Board adopted changes to the Housing Authority Administrative Plan

3/20/2018: The Board adopted the Housing Authority's Annual Plan and modifications to the Housing Authority Administrative Plan.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Approval of this item will allow the Sonoma County Housing Authority to make modifications to its Administrative Plan enabling some of the most vulnerable populations in the community to be eligible. Additionally, ensuring that all SCHA rent-assisted housing meets Housing Quality Standards helps to ensure the health and safety of the occupant households.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	85,000	85,000	85,000
Additional Appropriation Requested			
Total Expenditures	85,000	85,000	85,000
Funding Sources			
General Fund/WA GF			
State/Federal	2,766,475	2,766,475	2,766,475
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	2,766,475	2,766,475	2,766,475
Narrative Explanation of Fiscal Impacts:			
<p>Amending the Housing Authority Administrative Plan is procedural in nature and does not have a financial impact.</p> <p>Funds for housing inspections agreement are budgeted and available in the FY 2018-19 SCCDC budget. HUD funds the Housing Choice Voucher Program on a calendar year basis at levels determined following Congressional approval of each Federal Fiscal year budget. It is anticipated that funding for these services will be available in future years.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			

Attachments:

1. Proposed addition to SCHA's Administrative Plan
2. Draft Professional Services Agreement for Housing Inspection Services

Related Items "On File" with the Clerk of the Board:

Request for Proposals for Housing Inspection Services
Proposals for Housing Inspection Services

**Proposed addition to the Sonoma County Housing Authority Administrative Plan
October 23, 2018**

In-Place Homeless Prevention Super Preference. Subject to the availability of Annual Contributions Contract authorized voucher units, Housing Choice Vouchers will be made available for in-place occupants when the unit they are residing in is subject to the loss of affordability restrictions or a subsidy tied to a specific facility or unit, and the loss of the restriction or subsidy places the occupant at imminent risk of losing stable housing and/or becoming homeless. In order for an applicant to be eligible for this super preference, the Housing Authority must receive notification from a local municipality or partner agency of the Sonoma County Community Development Commission (“Commission”). All notifications are subject to Commission determination that the loss of stable housing and/or homelessness for in-place resident(s) is imminent.



**Standard Professional Services Agreement (“PSA”)
Revision G – June 2016**

AGREEMENT FOR CONSULTING/PROFESSIONAL SERVICES

This agreement (“Agreement”), dated as of November 1, 2018 (“Effective Date”) is by and between the Sonoma County Community Development Commission, a public body corporate and politic, and NMA Inspections, LLC (hereinafter “Consultant”).

RECITALS

WHEREAS, Consultant represents that it is a duly qualified consultant, experienced in Housing Quality Standards (“HQS”) inspections and related services ; and

WHEREAS, in the judgment of the Commission, it is necessary and desirable to employ the services of Consultant to provide

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1. Scope of Services.

1.1 Consultant's Specified Services. Consultant shall perform the services described in Exhibit “A,” attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), and within the times or by the dates provided for in Exhibit “A” and pursuant to Article 7, Prosecution of Work. In the event of a conflict between the body of this Agreement and Exhibit “A”, the provisions in the body of this Agreement shall control.

1.2 Cooperation With Commission. Consultant shall cooperate with the Commission staff in the performance of all work hereunder.

1.3 Performance Standard. Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Consultant's profession. Commission has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by Commission shall not operate as a waiver or release. If Commission determines that any of Consultant's work is not in accordance with such level of competency and standard of care, Commission, in its sole discretion, shall have the right to do any or all of the following:

(a) require Consultant to meet with Commission to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.4 Assigned Personnel.

- a. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time Commission, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from Commission.
- b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by Commission to be key personnel whose services were a material inducement to Commission to enter into this Agreement, and without whose services Commission would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of Commission.
- c. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

Payment. For all services and incidental costs required hereunder, Consultant shall be paid on a unit basis in accordance with the budget set forth in Exhibit A, provided, however, that total payments to Consultant shall not exceed \$85,000, without the prior written approval of the Commission. Consultant shall submit its bills in arrears on a monthly basis in a form approved by Commission's Auditor and the Executive Director of the Commission. The bills shall show or include: (i) the task(s) performed; (ii) the unit cost per task(s) performed; and (iii) copies of receipts for reimbursable materials/expenses, if any. Expenses not expressly authorized by the Agreement shall not be reimbursed.

Unless otherwise noted in this Agreement, payments shall be made within the normal course of County business after presentation of an invoice in a form approved by the County for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by the County.

Pursuant to California Revenue and Taxation code (R&TC) Section 18662, the County shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Consultant does not qualify, County requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If Consultant is qualified, then the County

requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, the Consultant agrees to promptly notify the County of any changes in the facts. Forms should be sent to the County pursuant to Article 12. To reduce the amount withheld, Consultant has the option to provide County with either a full or partial waiver from the State of California.

3. Term of Agreement. The term of this Agreement shall be from November 1, 2018 to October 31, 2020 unless terminated earlier in accordance with the provisions of Article 4 below.

4. Termination.

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, Commission shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Consultant.

4.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should Consultant fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, Commission may immediately terminate this Agreement by giving Consultant written notice of such termination, stating the reason for termination.

4.3 Delivery of Work Product and Final Payment Upon Termination.

4.4 In the event of termination, Consultant, within 14 days following the date of termination, shall deliver to County all reports, original drawings, graphics, plans, studies, and other data or documents, in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement and shall submit to County an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.

4.5 Payment Upon Termination. Upon termination of this Agreement by Commission, Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total payment; provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, Consultant shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if Commission terminates the Agreement for cause pursuant to Section 4.2, Commission shall deduct from such amount the amount of damage, if any, sustained by Commission by virtue of the breach of the Agreement by Consultant.

4.6 Authority to Terminate. The Board of Commissioners has the authority to terminate this Agreement on behalf of the Commission. In addition, the Executive Director, in consultation with Counsel, shall have the authority to terminate this Agreement on behalf of the Commission.

5. Indemnification. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including Commission, and to indemnify, hold harmless, and release Commission, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against Commission based upon a claim relating to such Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section apply whether or not there is concurrent negligence on Commission's part, but to the extent required by law, excluding liability due to Commission's conduct. County shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit B, which is attached hereto and incorporated herein by this reference

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Extra or Changed Work. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the Executive Director in a form approved by County Counsel. The Executive Director must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, Commission personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of

such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the Commission.

9. Representations of Consultant.

9.1 Standard of Care. Commission has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by Commission shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of Commission and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits Commission provides its employees. In the event Commission exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 No Suspension or Debarment. Consultant warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Consultant also warrants that it's not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration. If the Consultant becomes debarred, consultant has the obligation to inform the Commission

9.4 Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to indemnify and hold Commission harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case Commission is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish Commission with proof of payment of taxes on these earnings.

9.5 Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to Commission for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.6 Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if requested to do so by Commission, Consultant shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with Commission disclosing Consultant's or such other person's financial interests.

9.7 Statutory Compliance/Living Wage Ordinance. Contractor agrees to comply with, and to ensure compliance with from its subcontractors, all applicable federal, state and local laws, regulations, statutes and policies – including but not limited to the County of Sonoma Living Wage Ordinance-- applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, Contractor expressly acknowledges and agrees that this Agreement is subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.

9.8 Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the County's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.9 AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

9.10 Assignment of Rights. Consultant assigns to Commission all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to Commission in this Agreement, and to refrain from taking any action which would impair those rights. Consultant's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as Commission may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of Commission. Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of Commission.

9.11 Ownership and Disclosure of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents (“documents”), in whatever form or format, assembled or prepared by Consultant or Consultant’s subcontractors, consultants, and other agents in connection with this Agreement shall be the property of Commission. Commission shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to Commission all such documents, which have not already been provided to Commission in such form or format, as Commission deems appropriate. Such documents shall be and will remain the property of Commission without restriction or limitation. Consultant may retain copies of the above- described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of Commission.

9.12 Authority. The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Consultant.

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits Commission’s right to terminate this Agreement pursuant to Article 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO: Commission: Sonoma County Community Development Commission
ATTN: Housing Authority Manager
1440 Guerneville Road
Santa Rosa, CA 95403

TO: CONSULTANT: NMA Inspections, LLC
ATTN: Michael Petragallo
1810 Gillespie Way
El Cajon, CA 92020
mpetragallo@nanmckay.com

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. The waiver by Commission of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and Commission acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and Commission acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted

according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the City of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

13.8. Survival of Terms. All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

13.8Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

- Signatures follow on next page -

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT: _____

By: _____

Name: _____

Title: _____

Date: _____

COMMISSION:

CERTIFICATES OF INSURANCE ON FILE WITH AND APPROVED AS TO SUBSTANCE FOR COMMISSION & COUNTY:

By: _____
Department Head

Date: _____

APPROVED AS TO FORM FOR COUNTY:

By: _____
County Counsel

Date: _____

By: _____
Executive Director
Sonoma County Community
Development Commission

Date: _____

Exhibit A

SCOPE OF WORK & PAYMENT

Contractor will perform Housing Quality Standards (HQS) inspections on housing units currently leased by those who qualify for assistance with the Sonoma County Housing Authority (SCHA).

The Contractor will perform these inspections using the HUD prescribed form 52580 as a means of recording status and deficiencies in the units inspected.

Contractor shall be paid the following rates per HQS Unit Inspection

Initial Inspection:	\$28.00
Annual:	\$25.00
Re-Inspection:	\$20.00
Special Inspection:	\$25.00
No-Show:	\$12.00

The SCHA will provide not less than an average of 15 Annuals and/or Re-Inspections per day for each assigned inspector. In the event that less than 15 Annual and/or Re-Inspections are assigned on any given day and the weekly average meets or exceeds the 15 per day average, the daily average will be used for billing purposes. No-Shows will be included in the count of the total number of Annuals and Re-inspections.

The number of days Contractor is needed per month will vary.

The SCHA will complete administrative functions required for scheduling and notification for the HQS inspections.

The SCHA will provide designated Contractor with the required schedule and HUD 52580 inspection documents.

Contractor will provide to the SCHA the required number of trained/certified HQS inspectors as required to meet the needs of this contract.

Contractor will complete the full scope HQS inspections following HUD guidelines and approved addendums as listed in the administrative plan of the SCHA.

Contractor will deliver the fully executed 52580 inspection forms to SCHA staff daily.

Upon request, Contractor will provide other services as identified in the Contractor's September 18, 2015 proposal.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 8
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Auditor-Controller-Treasurer-Tax Collector (ACTTC)

Staff Name and Phone Number:

Ryan Burns 565-8304

Supervisorial District(s):

All Supervisorial Districts

Title: Resolution Designating of Applicant's Agent for Cal OES

Recommended Actions:

Adopt resolution designating the County Administrator, the Auditor-Controller-Treasurer-Tax Collector and the ACTTC Client Accounting Manager as authorized agents of the County of Sonoma for Cal OES (State of California Governor's Office of Emergency Services) public assistance grants.

Executive Summary:

Cal OES requires a Designation of Applicant's Agent Resolution for Non-State Agencies to be on file for the purpose of obtaining certain state and federal financial assistance. This Designation of the Applicant's Agent Resolution for Non-State Agencies must be submitted every three years. The last such submission was approved on November 3, 2015, and so a new resolution is required even absent changes to the designated positions. The attached resolution designates the County Administrator, the Auditor-Controller-Treasurer-Tax Collector and the ACTTC Client Accounting Manager as authorized agents for the County of Sonoma. There is no change from the prior designated positions.

Discussion:

Cal OES requires a Designation of Applicant's Agent Resolution for Non-State Agencies to be on file for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act. The County of Sonoma has been added to the request for the Sonoma County Complex Fires FEMA-4344-CA.

As of October 10, 2018, the Disaster Finance Team estimates the County's total disaster related costs qualifying for FEMA's Public Assistance Program will be approximately \$37M, of which we anticipate the County will be reimbursed approximately \$36M over the next 2 to 5 years. FEMA has obligated 15 of the 22 projects and the County has received \$9.1M in expedited reimbursement funding and \$246K for small permanent projects managed by Regional Parks and Transportation and Public Works.

The Disaster Finance Team is in the process of collecting and reviewing supporting documentation for approximately \$13M (\$3.5M paid out) in Mutual Aid/Assistance provided by 85 law enforcement agencies, 17 EMMA jurisdictions, 12 shelters, and 12 agencies through the Department of Health during the fires and continues to work with FEMA, CAL-OES and County Departments to finalize the remaining 5 project worksheets. Claims for reimbursement will be filed with FEMA as additional disaster related costs are incurred and documentation is compiled. The Disaster Finance Team is also in the process of reviewing labor reports and personnel activity logs, and working with County Departments to reconcile approximately \$6M in fire related labor costs that may be eligible for reimbursement.

A new Designation of Applicant's Agent Resolution for Non-State Agencies is required if the previously submitted document is older than three (3) years from the last date of approval or if changes are required to the name and/or title of authorized agents. The County of Sonoma's current Designation of Applicant's Agent Resolution was approved November 3, 2015. The attached resolution designates the County Administrator, the Auditor-Controller-Treasurer-Tax Collector and the ACTTC Client Accounting Manager as authorized agents for the County of Sonoma. These are the same positions that were delegated in the prior item.

Prior Board Actions:

11/03/2015 Adopted Designation of Applicant's Agent Resolution per new three (3) year requirement.
11/20/2012 Adopted Designation of Applicant's Agent Resolution.
03/10/1998 Adopted Designation of Applicant's Agent Resolution.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Participation in Federal and State assistance programs enables Sonoma County to seek reimbursement for costs incurred in responding to natural disasters, supports the safety of area citizens and the mitigation of the impacts on the lives and property of those affected as quickly as possible.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
<p>If a current Designation of Applicant’s Authorized Agent Resolution (Cal OES Form 130) is not on file with Cal OES, the County will be ineligible to apply for future disaster related funding or receive additional reimbursements under the Sonoma County Complex Fires FEMA-4344-CA, or any future public assistance grants available for declared disasters. FEMA mandates current designations as a condition of qualifying for Cal OES public assistance grants.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Cal OES 130-Designation of Applicant’s Agent Resolution for Non-State Agencies			
Related Items “On File” with the Clerk of the Board:			



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,

Whereas, The County of Sonoma has been included in the Sonoma Complex Fire FEMA-4344-CA administered by the State of California Governor's Office of Emergency Services

Whereas, The State of California Governor's Office of Emergency Services requires a Designation of Applicant's Agent Resolution for Non-State Agencies to be on file for the purpose of obtaining certain federal assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relieve and Emergency Assistance Act of 1988, and/or stated financial assistance under the California Disaster Assistance Act.

Whereas, The State of California Governor's Office of Emergency Services requires that a new Designation of Applicant's Agent Resolution for Non-State Agencies be filed if the previously submitted document is older than three (3) years from the last approved date or if there is a change in name and/or title designation of authorized agents.

Whereas, The County wishes to designate the County Administrator, the Auditor-Controller-Treasurer-Tax Collector and the ACTTC Client Accounting Manager as its authorized agents.

Whereas, The most recent Designation of Applicant's Agent Resolution filed with the California Governor's Office of Emergency Services was approved on November 3, 2015.

Now, Therefore, Be It Resolved that the Board of Supervisors of Sonoma County hereby order the Clerk of the Board of Supervisors, in conjunction with the office of the Auditor-Controller-Treasurer-Tax Collector, to file an updated Cal OES Form 130, Designation of Applicant's Agent Resolution For Non-State Agencies, with the State of California Governor's Office of Emergency Services, designating the County Administrator, the Auditor Controller-Treasurer-Tax Collector, and the ACTTC Client Accounting Manager as the County's authorized agents.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE Board of Supervisors OF THE County of Sonoma
(Governing Body) (Name of Applicant)

THAT Auditor-Controller-Treasurer-Tax Collector, OR
(Title of Authorized Agent)

County Administrator, OR
(Title of Authorized Agent)

Client Accounting Manager
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the County of Sonoma, a public entity
(Name of Applicant)
established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the County of Sonoma, a public entity established under the laws of the State of California,
(Name of Applicant)
hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

- This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.
- This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this 23rd day of October, 2018

(James Gore, Chairperson Sonoma County Board of Supervisors)

(David Rabbitt, Vice Chair Sonoma County Board of Supervisors)

(Susan Gorin, Chair Pro-Tem Sonoma County Board of Supervisors)

CERTIFICATION

I, Kay Lowtrip, duly appointed and Chief Deputy Clerk of the Board of
(Name) (Title)

County of Sonoma, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the Board of Supervisors of the County of Sonoma
(Governing Body) (Name of Applicant)

on the 23rd day of October, 2018.

(Signature)

Chief Deputy Clerk of the Board
(Title)

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Cal OES 130 - Instructions

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification.")



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 9
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Gore, 565-2241

Supervisorial District(s):

Fourth

Title: Disbursement of Neighborhood Improvement Funds from the Cal-Am Franchise Fee Fund.

Recommended Actions:

Adopt a resolution authorizing budgetary adjustments to the Fiscal Year 2018-19 Final Budget for the Transportation and Public Works department. The requested budget adjustment of \$18,400 will provide appropriations for the Neighborhood Improvement Program in the Mark West, Larkfield, Wikiup, and Fulton area. The funding source for the request is the Cal-Am Franchise Fees fund (10056).

Executive Summary:

The Mark West Citizens Advisory Council Blue Book, approved by Board of Supervisors Resolution 16-0231 on June 14th, 2016, and amended on October 16, 2018 includes a process for:

- Establishment of a Mark West Citizen's Advisory Council for the purpose of advising the Board of Supervisors and other County decision makers on the local planning and management decisions relating to the Mark West area.
- The Mark West Citizens Advisory Council to solicit proposals from the community for Neighborhood Improvement Projects, and recommend projects to the District Supervisor.
- The District Supervisor to review recommendations from the Mark West Citizens Advisory Council, and bring appropriate recommendations to the Board of Supervisors for approval.

Utilizing the process outlined above, the Fourth District has reviewed Mark West Citizen's Advisory Council requests and recommends the following disbursement:

- 1.) Mark West Homeowners Association for the removal of fire damaged trees and shrubs in both the common areas and the riparian areas; fee disbursement of \$18,400.

Discussion:

Project Description:

The Tubbs Fire of October 9, 2017 destroyed 178 the 195 homes in the Mark West Estates development. As one of the largest neighborhoods in the Mark West, Larkfield, Wikiup area, the rebuilding of the Mark West Estates is essential in maintaining housing stock in the area and in maintaining the pre-fire character.

This project will remove burned trees and shrubs from the Mark West Estates neighborhood.

Recommendation from the Mark West Citizen’s Advisory Council:

The Mark West Citizen’s Advisory Council voted 4-0 (one member was absent) on September 10, 2018 to recommend the vegetation removal project to the Fourth District Supervisor for consideration.

Project Timeline:

Representatives from Mark West Estates secured quotes from True North Sustainable Landscape Management for the vegetation removal. If the Board of Supervisors approves funds, the vegetation removal can begin shortly.

Project Location:

The Mark West Estates neighborhood is located in the Cal-American Water District, near the northeastern corner of the Mark West Springs Road and Old Redwood Highway intersection.

Ongoing Maintenance Needs:

On-going project costs will be the responsibility of the Mark West Homeowners Association.

Program History:

In 2016 the Board of Supervisor Adopted Resolution Number 16-0231, which established the Mark West Citizen’s Advisory Council. This resolution charged the Mark West Citizen’s Advisory Council with making recommendations to the Board of Supervisors regarding the allocation of Cal-American Franchise Fees. On October 16th, 2018, the Board of Supervisors approved amendments to the Mark West Citizen’s Advisory Council Blue Book, which established a process for the Council to review and recommend projects to the District Supervisor. This District Supervisor reviews the recommendation, and may bring them to the Board of Supervisors to award funding.

Prior Board Actions:

- On October 20, 2009, the Board adopted Resolution No. 09-0981 approving the terms of a Franchise Agreement between the County of Sonoma and California-American Water Company to allow Cal-American to use County streets to supply water to consumers in the Mark West Area of unincorporated Sonoma County.
- On November 17, 2009, the Board adopted Resolution No. 09-1089 declaring its intent to grant a franchise to California-American Water Company, and to pass a portion of the fees to a yet-to-be-formed community services district for the Mark West Area.
- On December 8, 2009, the Board adopted Ordinance No. 5861 officially granting a franchise to Cal-American.
- The Board created the Dry Creek Valley Citizens Advisory Council in 2012 (Resolution No. 12-0410) and the Mark West Citizens Advisory Council in 2016 (Resolution No. 16-0231).

- On October 16, 2018 the Board adopted Amendments to the Mark West Community Advisory Council Blue Book, and reprogrammed the Cal-American Water Franchise Fees to be used for the Neighborhood Improvement Program.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Grant funds allow for community improvement including infrastructure in the Mark West, Larkfield, Wikiup, Fulton area.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested	18,400		
Total Expenditures	18,400		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance	18,400		
Contingencies			
Total Sources	18,400		

Narrative Explanation of Fiscal Impacts:

This expenditure is consistent with the Neighborhood Improvement Program, approved by the Board and described in the Mark West Community Advisory Council Blue Book. The pass-through funds from the California American Franchise Agreement currently total approximately \$200,000, and are held by Transportation and Public Works.

Revenues for the fund are derived solely from franchise fees paid by the residents of the Mark West, Larkfield, Wikiup, and Fulton areas. In past years, the County of Sonoma collected approximately \$40,000 annually from the Franchise Agreement. Due to a portion of the residences being lost in the Sonoma Complex Fires of October 2017, the revenues are projected to fall to approximately \$26,000 annually through the rebuild process.

\$18,400 in Cal-American Franchise fees fund balance is being requested to fund these improvements.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
N/A			
Attachments:			
Attachment 1: Mark West Estate’s Homeowners Association Application Attachment 2: Mark West Community Advisory Council Blue Book Attachment 3: Resolution			
Related Items “On File” with the Clerk of the Board:			

September 13, 2018

James Gore
Sonoma County Supervisor, District 4th
575 Administration Drive, Room 100 A
Santa Rosa, CA 95403

Dear James,

On behalf of the Mark West Citizens Advisory Council we are submitting the first Cal Am Water Franchise Fee "Neighborhood Improvement Funding Program" application for BOS funding approval.

The application was approved by the Council Monday, September 10, 2018 by a 4-0 vote. One member was absent.

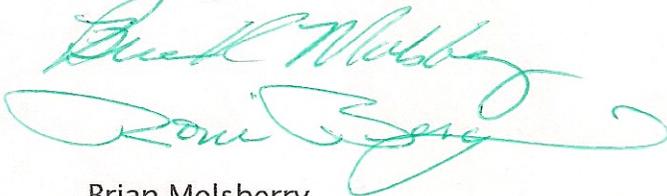
The attached application was submitted by the Mark West Homeowners Association in the amount of \$18,400 for removal of destroyed trees and vegetation from last October's fire storm to the Mark West Estates neighborhood.

The project cannot begin until we receive Board approval so we are hoping this can be placed on the BOS's calendar as soon as possible.

We are excited that our Cal Am Water franchise fees will begin to help our fire ravaged neighbors, friends and families.

Thank you for all that you do for the 4th District.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Molsberry", written over a horizontal line.

Brian Molsberry
Chair, Mark West Citizens Advisory Council

Roni Berg
Vice Chair, Mark West Citizens Advisory Council
Franchise Fee Subcommittee Member

Mark West Estates Homeowners Association
Board of Directors
Eugene Burger Management Corporation
6600 Hunter Drive
Rohnert Park, CA 94928

August 27, 2018


Chairman Brian Molsberry
Mark West Civilian Advisory Council
District 4 - Sonoma County Board of Supervisors
575 Administration Dr.
Santa Rosa, CA

Subject: MWCAC Neighborhood Improvement Funding Program
FY2018-2019 - Application Form

We appreciated the recent opportunity to present to your Council our proposed MWCAC Neighborhood Improvement Funding Program FY2018-2019 Application Form. As a follow-up to our presentation and your Council's recommendation we have reduced our original request in both scope and dollar amount requested. Attached you will find our modified Mark West Estates Homeowners Association Application Form for this year's MWCAC Neighborhood Improvement Program.

On October 9, 2017, the devastating Tubbs Wildfire totally destroyed 178 of our original 195 homes leaving lots reduced to nothing but ash and rubble. All vegetation (trees, plants and shrubs) in both the "common" and "riparian" areas were additionally destroyed leaving what was once a peaceful and beautiful neighborhood reduced to an ugly and devastated wasteland desperately in need of rebuilding and replanting of vegetation.

This proposed project seeks funding to remove all the destroyed vegetation in the Mark West Estates neighborhood, as the initial step to restoring the neighborhood to its once beautiful and "green" environment.

Respectfully request your Council's approval of this Mark West Neighborhood Project.


Ellen Beggs, President
Board of Directors, Mark West Homeowners Association

cc: Vice Chair Roni Berg, Mark West Civilian Advisory Council
Secretary, Aggie Maggio, Mark West Civilian Advisory Council
Jenny Chamberlain, Sonoma County District 4 Representative

**Mark West Citizens Advisory Council's
Neighborhood Improvement Funding Program
Application Form
FY 2018-2019**

Neighborhood Group Information

1. Neighborhood Group Names and Addresses (Minimum 3 Residents):

One hundred and ninety five (195) Mark West Estates Homeowners represented by Ellen Beggs, President the Mark West Estates Homeowners Board of Directors

2. Primary Contact Person (Leader):

Primary (P): Ellen Beggs, President, Mark West Homeowners Association (MWHOA)

Alternate(A): Rick Hall, Mark West Estates Block Captain

3. Leader E-Mail Address:

(P) ellen.beggs@yahoo.com

(A) rahall4@sonic.net

4. Leader Mailing Address:

(P): 2474 Creek Meadow Dr.

(A): 505 Coachlight Place

5. City, State & Zip:

(P): Santa Rosa, CA 95404

(A): Santa Rosa, CA 95403

6. Leader Phone Number:

(P): 707-978-2192

(A): 707-528-1382

7. Neighborhood Project Description (Include the community need it will be addressing):

The Mark West Estates subdivision was created in 1986 with all 195 homes completed with construction techniques in a Craftsman/Classis style, setting the character for this beautiful planned development. A Homeowners Association was established to preserve the quality of the neighborhood through community cooperation and by enforcing both the letter and the spirit of the original controlling documents.

On October 9, 2017, the devastating Tubbs Wildfire totally destroyed 178 of the original 195 homes leaving lots reduced to nothing but ash and rubble. All vegetation (trees, plants and shrubs) in both the "common" and "riparian" areas were additionally destroyed leaving what was once a peaceful and beautiful neighborhood, within walking distance to the local Larkfield business area, reduced to a ugly and devastated wasteland desperately in need of rebuilding and replanting of vegetation.

This proposed project seeks to remove all the destroyed trees and vegetation in the Mark West Estates neighborhood.

This project represents a neighborhood improvement project in a community serviced by Cal AM Water. The funds secured for this project are for a "public good" project with one-time costs that will restore neighborhood pride and identity to our community.

8. Does the project required permits?

No.

9. How will volunteer neighbors or residents be engaged or utilized?

The Mark West Homeowners Association will formulate a Neighborhood Community Involvement Plan which will welcome and encourage all Mark West Estates neighbors to volunteer to both support and assist in the timely completion of this project.

10. Neighborhood Project Location (Attach map or bring to Council presentation):

The project location will include all of the Mark West Estates neighborhood, to include "common" and "riparian" areas.

General area: South of the Larkfield Shopping Center; East of Old Redwood Highway; West of Mark West Creek and North of Mark West Springs Road (see attached map).

11. Project Timeline:

The planned project time line would start as soon as funds are secured with the removal of fire damaged trees, plants, shrubs and vegetation in both the "common" and "riparian" areas.

12. Amount of funds required:

A summary of the projected amount of funds necessary is cited below and the two (2) attached proposed estimates include all he details (see attached):

\$ 12,000.

\$ 6,400.

\$ 18,400.

13. List of detailed project costs:

All detailed project costs are listed in the attached two (2) written estimates from True North Sustainable Landscape Management (see attached).

14. Are there "ongoing" costs to the project such as upkeep or repairs? If so, please explain how these costs will be financed.

On-going project costs will be the responsibility of the Mark West Homeowners Association in coordination with the Homeowners at-large.

15. Recommendation:

This is truly an exciting and worthwhile Project aimed at supporting the Mark West Area's Rebuilding, Restoration and Resiliency efforts as supported and led by our own District 4, Sonoma County Supervisor, James Gore.

The homeowners of Mark West Estate respectfully ask for your approval of this Project with funds coming from the Mark West Citizen Advisory Council's Neighborhood Improvement Program FY 2018-2019.

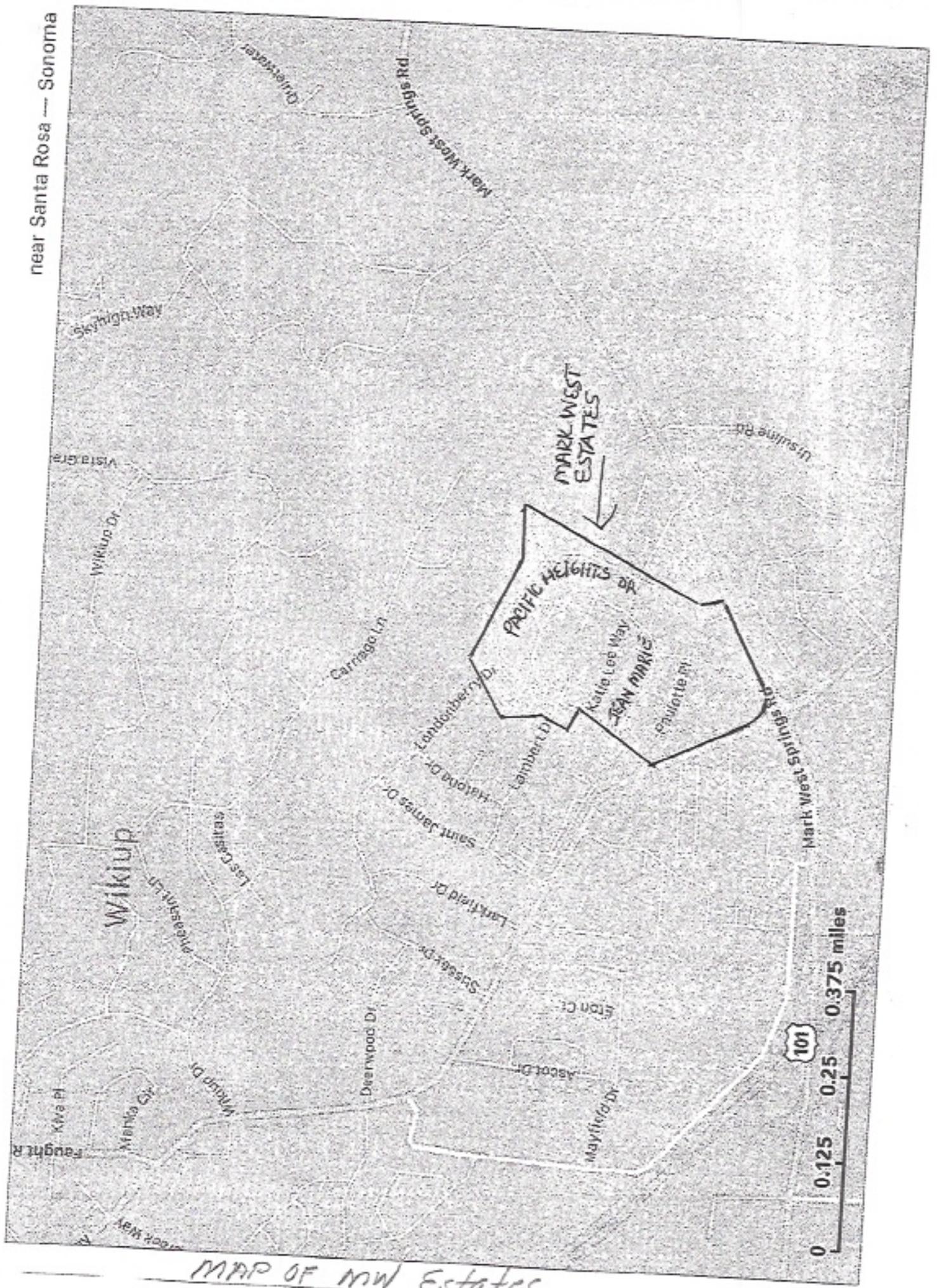
Thank you for this opportunity.,



Prepared by: Rick Hall, Mark West Estates Block Captain
August 27, 2018



Approved by: Ellen Beggs, President, Board of Directors,
Mark West Homeowners Association
August 27, 2018



MAP OF MW Estates



EWP NO: 051818-1408

TRUE NORTH
sustainable landscape management
Tree Care Proposal



Date: 5/18/2018 Time: 14:08

Job Name: Mark West Estates HOA

Job Address: Pacific Heights
Santa Rosa, CA

Bill To: Eugene Burger Management Corporation

Attention: Carra S. Clampitt

Bill To Address: 6600 Hunter Drive
Rohnert Park, CA 94928

FOR OFFICE USE

Client No: _____

Job No: _____

Clients P.O. No.: _____

CODES:

Liquid Svcs: 170 Enhancement: 130

Arbor: 180 Crew Extra: 140

Irrigation: 150

DO NOT MAIL; Hand Deliver Invoice to Customer

Attach Signed Copy of Proposal to Invoice

OTHER NOTES:

Scope of Work / Labor & Materials

Fire Damage Removals in the Common Areas

QTY.	Description of work
	Cut to grade and remove dead/fire damage trees and shrubs in the Riparian area.
	Work includes the removal of:
	Area 1, Old Redwood Highway
5	Pear trees
2	Magnolia trees
1	Pile of previous cut limbs (to be removed)
	Area 2, Pacific Heights
152	Shrubs
25	Small trees
26	Large trees
	Area 3, Mark West Springs Road frontage and monument sign
29	Shrubs
6	Assorted size trees
	Area 4, Katie Lee Way and Jean Marie Drive
40	Shrubs
2	Assorted size trees
	Area 5, The park
18	Shrubs
3	Small trees
	Cut material will be process and chipped. This chipped material will be left in plies on site for future use.

Should you desire, all chipped material can be left on-site for use as mulch in shrub beds. Spreading of wood chips shall be considered separate from this agreement.

Should local ordinances require permits to perform said work, time to obtain and reports that may be necessary will be completed and billed separate from this agreement.

If required, repairs to underground utilities, which may be damaged during the performance of said work, will be performed under a separate agreement.

*** THIS IS NOT AN INVOICE ***

Total Labor & Materials, including Sales Tax: \$6,400.00

P.O. Box 2823

Santa Rosa, CA 95405

Ph. 707.975.5151

Phase 1B - Estimate

Mark West
Citizens Advisory Council
BLUE BOOK

June 14, 2016

Revised 10-16-2018 (guidelines for recommending the use of California American Water Franchise Fees)

TABLE OF CONTENTS

EXHIBIT “A” - MISSION STATEMENT..... 3

EXHIBIT “B” - RESOLUTION..... 4

EXHIBIT “C” - REFERRAL AREA BOUNDARY 8

EXHIBIT “D” - RULES AND PROCEDURES 9

EXHIBIT “E” - CONTACT INFORMATION FOR THE COUNCIL..... 11

EXHIBIT “F” - THE BROWN ACT, AND E-MAIL COMMUNICATIONS 12

EXHIBIT “G” - ADMINISTRATIVE ROLES 13

EXHIBIT “H” - SCOPE OF WORK AND PAYMENT TERMS FOR THE SECRETARY 14

EXHIBIT “I” - NEIGHBORHOOD IMPROVEMENT FUNDING PROGRAM..... 15

EXHIBIT “J” - SCOPE OF AUTHORITY 15

EXHIBIT “K” - SONOMA COUNTY PLANNING AGENCY..... 22

EXHIBIT “L” - FREQUENTLY ASKED QUESTIONS 25

EXHIBIT “A” - MISSION STATEMENT

The mission of the Mark West Citizens Advisory Council (“MWCAC”) is to represent the best interests of the entire community while acting as a bridge for communication between the County and local residents and businesses, and the general public on public health, safety, welfare, and quality of life issues affecting the Mark West area.

Specifically, the MWCAC provides a forum for public expression and for making advisory recommendations to the County of Sonoma and its Permit and Resource Management Department (PRMD), Board of Zoning Adjustments, Planning Commission, Transportation and Public Works (TPW), and Board of Supervisors (BOS) on the following:

- Applications for use permits, rezonings, and general plan amendments (PRMD)
- Needed transportation and transit improvements or maintenance projects (TPW)
- Allocations of franchise fees in the Mark West Area (TPW)
- Liaise with the Fourth District County Supervisor on community support and outreach for residents in this unincorporated community (BOS)

EXHIBIT "B" - RESOLUTION



County of Sonoma
State of California

THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

ATTEST: JUN 14 2016

VERONICA A. FERGUSON, Clerk/Secretary
BY: *V. Ferguson*
DEPUTY CLERK/ASST SECRETARY

Date: June 14, 2016

Item Number: 15

Resolution Number: 16-0231

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Establishing The Mark West Area Citizen's Advisory Council And Designating
The Referral Area Boundary**

Whereas, the Mark West Area in unincorporated Sonoma County, situated in the County's Fourth Supervisorial District, is a vibrant community for local residents and businesses, and visitors alike; and

Whereas, the Mark West Area is a large unincorporated community in Sonoma County which has a larger population than some of the incorporated cities while its sole political representation is the Fourth District Supervisor whose duties include the entire larger District; and

Whereas, the Mark West Area in recent years has been subject to several major development projects without a community forum of formal review and input by its residents and business owners; and

Whereas, the Mark West Area will continue to be subject to significant development pressures due to a heavily impacted housing market, ongoing development of the Sonoma County Airport & Business Park, as well as inception of SMART Train service; and

Whereas, the County is responsible for local land use and development planning, transit, and public works in the Mark West Area; and

Whereas, Government Code section 31010 authorizes the Board of Supervisors to establish and provide funds for a municipal advisory council for any unincorporated area in the county to advise the Board, state, county, city, special district or school district, agency or commission, or any other organization on such matters which relate to that area as may be designated by the Board; and

Whereas, the Board of Supervisors desires to establish the Mark West Area Citizens Advisory

Council ("MWCAC") to advise the Board and other County decision makers on local planning and management decisions relating to the Mark West Area, to provide a regular forum for citizen participation in the formation of advisory recommendations on those decisions, and to provide a bridge for communication between the County and local residents and businesses, and the general public on local government decisions affecting the Mark West Area;

Now, Therefore, Be It Resolved that the Board of Supervisors hereby establishes the MWCAC, subject to the following operative provisions:

1. Referral Area Boundaries - The Referral Area Boundary for projects subject to review of the MWCAC are shown in Exhibit "A," attached hereto and incorporated herein by this reference ("MWCAC Referral Area").

2. Membership - The MWCAC shall consist of five members appointed by the Board of Supervisors. All members must reside within the referral area. Two members shall be nominated by the Mark West Chamber of Commerce; one member shall be nominated by the Mark West School Board; one member shall be nominated by the 4th District Supervisor from the Fulton area, and one member shall be nominated by the 4th District Supervisor to serve "at large." All members shall hold office for a term of two-years or until their successor is appointed and qualified, with the exception of the initial members. Members can serve for up to two terms (a total of four years). All members shall serve at the pleasure of the Board of Supervisors and may be removed from office at any time by the Board.

The Board of Supervisors shall classify the initial members into two classes: (1) Class A consisting of three members including one member from the chamber, one member from Fulton and the school board member; and, (2) Class B consisting of two members including one at-large member and one member from Chamber of Commerce. Class A of three members shall hold office for an initial term until December 31, 2018, and Class B of two members shall hold office for an initial term until December 31, 2017.

3. Powers - The designated powers of the MWCAC shall be to review and make advisory recommendations, and proactively advocate on the following categories of local planning and project decisions in the MWCAC Referral Area:

- (a) Use permit applications;
- (b) Rezoning applications;
- (c) General plan amendment applications;

- (d) Allocation of franchise fees from CalAm Water;
 - (e) Transit and Public Works needs in the area; and,
 - (e) Planning-related policy issues and future development of the area it perceives to affect the public health, safety, welfare, and quality of life in the MWCAC Referral Area; including but not limited to; public safety, fire protection, transportation facilities, water supply, sewerage, flooding, electric power supply, communications facilities, garbage collection, graffiti, public housing, parks, and other community facilities.
4. Duties - The designated duties of members of the MWCAC shall be to:
- (a) Attend and participate in meetings of the MWCAC;
 - (b) Study and analyze appropriate material submitted;
 - (c) Keep the Fourth District Supervisor informed of any necessary planning-related issues;
 - (d) Serve on such subcommittees as may be designated by the MWCAC;
 - (e) Advise applicants of project issues and concerns; and,
 - (f) Vote on advisory recommendations or motions made by members of the MWCAC.
 - (g) Engage with community members to gauge community sentiment and learn of actual and potential issues confronting the community, and so she or he may raise these matters for the Council's consideration.
5. Rules & Procedures - The rules and procedures for governance of the MWCAC shall be as set forth in Exhibit "B," attached hereto and incorporated herein by this reference. The rules and procedures may be amended or modified only upon the consent of the Board of Supervisors.
6. Coordination. All activities of the MWCAC shall be coordinated through the 4th District Supervisor's office. The Department Head for PRMD and TPW shall designate a primary

Resolution #16-0231

Date: June 14, 2016

Page 4

contact person with whom the District Director and the designated representative/secretary for the CAC shall coordinate all referrals, and send copies of minutes and MWCAC recommendations.

7. Establishment - The establishment of the MWCAC shall not be submitted to the voters of the Mark West Area watershed.

Be It Further Resolved that the Board of Supervisors hereby authorizes the MWCAC could investigate the option to pay a nominal fee to a secretary through a yearly disbursement from the CalAm Franchise Fees.

Supervisors:

Gorin: Aye

Rabbitt: Aye

Zane: Aye

Gore: Aye

Carrillo: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

So Ordered.

EXHIBIT "C" - REFERRAL AREA BOUNDARY

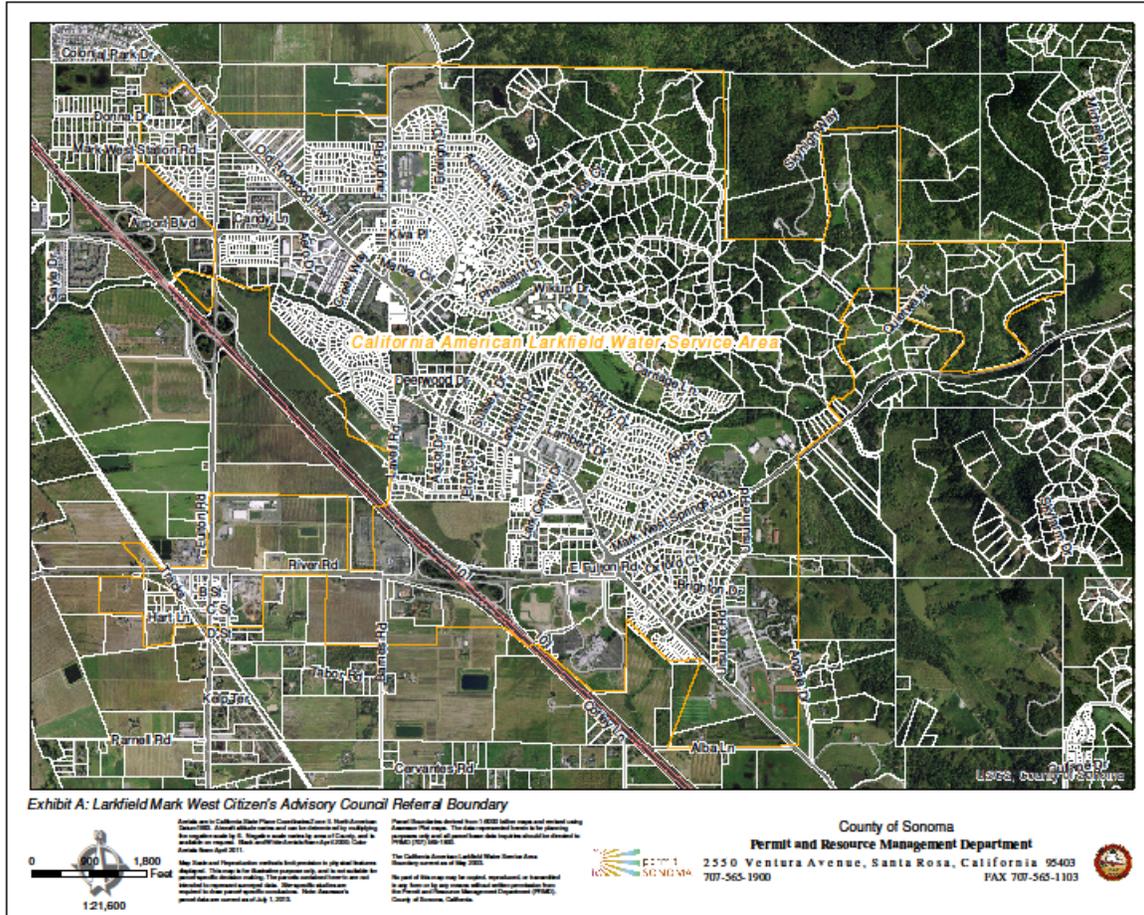


Exhibit A: Larkfield Mark West Citizen's Advisory Council Referral Boundary

Article 10 of California State Planning Code (Section 51000) requires that all local agencies (cities and counties) shall submit a general plan to the State Planning and Resources Board for review and approval. The general plan shall be adopted by the local agency and shall be consistent with the State General Plan. The general plan shall be adopted by the local agency and shall be consistent with the State General Plan. The general plan shall be adopted by the local agency and shall be consistent with the State General Plan.

Article 10 of California State Planning Code (Section 51000) requires that all local agencies (cities and counties) shall submit a general plan to the State Planning and Resources Board for review and approval. The general plan shall be adopted by the local agency and shall be consistent with the State General Plan. The general plan shall be adopted by the local agency and shall be consistent with the State General Plan. The general plan shall be adopted by the local agency and shall be consistent with the State General Plan.



Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, California 95403
707-565-1900

County of Sonoma

Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, California 95403
707-565-1900



FAX 707-565-1103

EXHIBIT “D” - RULES AND PROCEDURES

I. MEMBERSHIP

A. Appointment. The MWCAC shall consist of five members appointed by the Board of Supervisors as nominated in accord with the Membership clause of Resolution 16-0231.

(2) Mark West Chamber of Commerce

(1) Mark West School Board

(1) Fulton

(1) At Large

B. Quorum and Recommendations. A majority of the members of the MWCAC shall constitute a quorum for the transaction of business. No advisory recommendation of the MWCAC shall be valid or binding unless four-fifths of all the members concur therein.

C. Office. The principal place of business of the MWCAC shall be determined by the MWCAC. At a minimum, there shall be a telephone number where information may be obtained by the public, and a place where the agenda may be publicly posted. This need not be the same place where the MWCAC itself meets.

D. Compensation. Members of the MWCAC shall serve without compensation.

E. Vacancies. In event of the death, resignation, or inability to serve of any member of the MWCAC, such condition shall be brought to the attention of the Board of Supervisors for appointment of a replacement. “Inability to serve” shall be determined by a four-fifths (4/5) vote of the MWCAC. If any member of the MWCAC misses two consecutive regular meetings without a valid reason, the Board of Supervisors, through the office of the Fourth District Supervisor, shall be notified and requested to appoint a replacement.

II. MEETINGS

A. Frequency and location of regular meetings. There shall normally be one regular meeting of the MWCAC each month, on a specific, consistent, day of the month, as determined by the chair or a majority of the members of the MWCAC. The time of the meetings shall be scheduled to maximize assistance to the Permit and Resource Management Department, Board of Zoning Adjustments, Planning Commission, Transportation and Public Works, and Board of Supervisors. All meetings of the MWCAC shall be held within the Mark West area. All meetings of the MWCAC shall be in a building easily accessible to the public with facilities to accommodate interested members of the public.

B. Brown Act. All meetings and all deliberations of the MWCAC shall be open to the public and shall be governed by the Brown Act.

C. Rules of Procedure. All meetings of the MWCAC shall be conducted, insofar as practical, according to Roberts Rules of Order or other parliamentary authority adopted by the MWCAC.

D. Presiding Officer. The chair, or the vice chair in the chair’s absence, shall preside over all meetings of the MWCAC. In the case of absence of both the chair and the vice chair, the chair pro tem shall preside.

E. Agenda. The chair and the secretary shall be responsible for setting the agenda of each meeting of the MWCAC. The Fourth District Supervisor shall assign Fourth District staff to attend, as needed. The secretary shall post the agenda for each meeting of the MWCAC at the Board of Supervisors office at least 72 hours in advance of the meeting.

F. Voting. Each member of the MWCAC shall be entitled to one vote. A member may abstain from voting in cases of conflict of interest, in which case he or she shall state what the conflict is and recuse themselves from discussion of the item. If more than one member must recuse him/herself on the same item, a quorum will not be established and the item cannot be formally reviewed by the MWCAC. No proxies shall be permitted. All votes shall be public and properly recorded.

G. Minutes of Meeting. The minutes of each meeting of the MWCAC shall include a copy of the agenda, the official public record of the meeting, and shall indicate any actions taken by the MWCAC. A copy of the minutes shall be sent to the Fourth District Supervisor and to the Permit and Resource Management Department for timely consideration by the appropriate decision-making body of any recommendations contained therein.

H. Special Meetings. Special meetings of the MWCAC may be called at any time by the Chair or a majority of the members of the MWCAC. All special meetings shall be conducted in compliance with the Brown Act.

I. Quorum and Recommendations. A majority of the members of the MWCAC shall constitute a quorum for the transaction of business. No advisory recommendation of the MWCAC shall be valid or binding unless four-fifths of all the members concur therein.

EXHIBIT “E” - CONTACT INFORMATION FOR THE COUNCIL

See MWCAC webpage

<http://sonomacounty.ca.gov/Mark-West-Citizens-Advisory-Council/>

EXHIBIT “F” - THE BROWN ACT, AND E-MAIL COMMUNICATIONS

Background:

The Brown Act, enacted in 1953, is intended to ensure that public bodies engage in their deliberations in a public setting. In essence, the Act requires (1) that the public have some notice of issues to be discussed at a meeting, and (2) that issues pending before a body are not discussed in advance by a majority of the members. This requirement prevents members from reaching a decision prior to a publicly accessible meeting.

Both the California Attorney General and the California League of Cities have prepared booklets to assist local government officials in understanding and complying with the Brown Act. The Attorney General’s guide is available at the following website:

<http://ag.ca.gov/publications/#openmeetings>. The Attorney General has created a helpful summary of key Brown Act provisions, which is attached to this explanation. The League of Cities booklet, entitled “Open & Public IV,” can be purchased from the League, and is also available online at www.ci.claremont.ca.us/download.cfm?ID=21498. This booklet includes a number of examples that are useful in determining how the provisions of the Brown Act should be interpreted and applied.

E-Mail Communications:

With the expansion of e-mail and its advantages of convenient, quick communications, many questions have arisen about how the Brown Act and the Public Records Act apply to this communication technology. E-mail should be used with caution: remember, your emails regarding public business are public records. Moreover, emails can result easily in inadvertent violations of the Brown Act.

E-Mail Can Be Used To:

- Distribute meeting minutes, agendas, and drafts of these documents
- Determine member availability for meetings
- To discuss similar administrative issues

E-Mail *May Not* Be Used To:

- Discuss pending issues before the body with a majority of its members.

Note: A member may discuss pending issues with other members outside of public meetings, as long as fewer than a majority engages in the discussion. The danger with email is that it can be forwarded easily; members are warned that they are responsible for limiting the dissemination of information to fewer than a majority of the body.

EXHIBIT “G” - ADMINISTRATIVE ROLES

CHAIR:

- Preside over all regular meetings. Call for and preside over special meetings when necessary.
- Setting the meeting agenda.
- Appoint members of ad hoc committees
- Acts as a liaison between the MWCAC and the Fourth District Supervisor

VICE-CHAIR:

- Conduct meetings in the absence of the Chair
- Research and report to the MWCAC any problem areas concerning items on the upcoming agenda
- Keep a master list of contact persons in governmental and private agencies the MWCAC may find useful

EXHIBIT “H” - SCOPE OF WORK AND PAYMENT TERMS FOR THE SECRETARY

The MWCAC shall appoint (either through a voluntary agreement or contract) a Secretary to the MWCAC the first month of each year. The MWCAC could investigate the option to pay a nominal fee to a secretary through a yearly disbursement from the CalAm Franchise Fees.

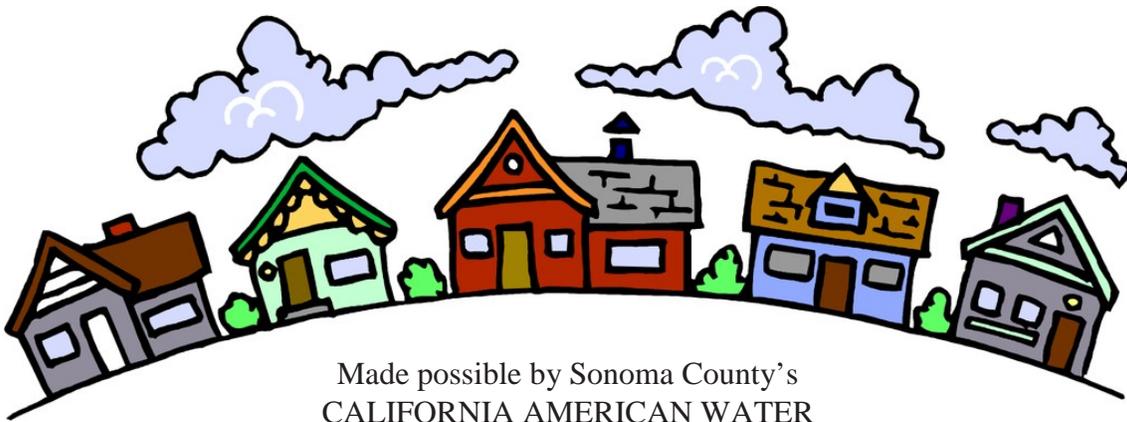
Administrative Role of Secretary: (non-member)

- Act as the contact for all potential applicants wanting to present at MWCAC Meetings
- Prepare, distribute and post agendas for meetings at least 72 hours in advance of the meeting
- Keep minutes of all meetings, specifying the call to order, the attendees, the business conducted and the adjourning time
- Arrange sites for all meetings and confirm all necessary public posting requirements are completed in appropriate timelines
- Assist all MWCAC members with compliance with the Brown Act
- Prepare and send communications as directed by the Chair
- Notify members of the MWCAC of special meetings, giving the time, place and reason for meeting
- Keep an up-to-date roster of members of the MWCAC, giving the name, mailing address, phone and fax numbers and email addressees
- Follow up on recommendations made by the MWCAC
- Keep a list of items that the MWCAC has acted upon and report back to the MWCAC on their progress
- Send copies of the minutes to the Fourth District Supervisor’s Office, the Sonoma County Planning Commission and other appropriate bodies as indicated
- Prepare and store the MWCAC member name plates

EXHIBIT "T" - NEIGHBORHOOD IMPROVEMENT FUNDING PROGRAM

Neighborhood Improvement Funding Program
Mark West Citizen's Advisory Council

Mark West
Larkfield
Wikiup
Fulton



Made possible by Sonoma County's
CALIFORNIA AMERICAN WATER

1. FUNDING PROGRAM

A. Program Overview

The MWCAC's Neighborhood Improvement Funding Program, funded by Cal Am Water franchise fees, supports neighborhood improvement projects in the communities serviced by Cal Am Water—Mark West, Larkfield, Wikiup and parts of Fulton.

Cal American Water Franchise Fees

The California American (Cal Am) Water Franchise Fees were established in 2009 by the Sonoma County Board of Supervisor's (BOS) resolutions below.

- 10/20/09 BOS Resolution No. 09-0981 approved terms of a Franchise Agreement with Cal Am Water
- 11/17/09 BOS Resolution No. 09-1089 declared intent to grant franchise to Cal Am Water
- 12/8/09 BOS Ordinance No. 5861 granted a franchise to Cal Am Water

The franchise fee is paid to the County for the use of "County streets to supply water to consumers in connection with the regulated water system owned and operated by Cal Am in the Mark West-Larkfield-Wikiup area of unincorporated Sonoma County" which includes parts of Fulton.

BOS Resolution No. 09-1089 provides that,

"3. It is the intent of the County to provide a pass-through of a portion of the franchise revenues to a Mark West-Larkfield-Wikiup CSD, subject to the approval of such district by LAFCO and approval of such district by the voters within the proposed district. Pending the formation and approval of the district, the franchise revenues shall be deposited in the County's district formation fund and set aside specifically to reimburse and fund the start-up costs of the district when formed. If the CSD is not formed, the County may use these funds for any other lawful, appropriate uses."

On October 16, 2018, the Board of Supervisors adopted BOS Resolution No. 18-____ finding that the Mark West Area CSD had not been formed and authorizing and directing that the pass-through funds be repurposed to fund neighborhood improvement projects in the Mark West Area. The funds are administered by the Sonoma County Department of Transportation & Public Works within their regular budgeting functions..

B. Eligibility and Criteria

Residents of Mark West, Larkfield, Wikiup and parts of Fulton who are serviced by Cal Am Water are eligible to apply. Projects must identify the benefit(s) to the community, and have a specific timeline with defined steps and costs. Costs must be broken down by line item. Justification will be provided for anticipated costs. For instance, if materials must be purchased the applicant should provide the cost of purchasing those materials at current prices. Funds cannot be used for any "ongoing" costs after the project's completion (examples: maintenance, watering, electricity, etc.) If there are "ongoing" costs to the project, detailed explanations as to how those costs will be met must be included.

C. Project Examples

The intent of the funds is for community benefit projects with a onetime cost. Community benefit projects are projects that increase neighborhood pride and identity such as community gardens, bicycle racks, picnic tables, benches, signage, curb appeal enhancements, etc. The MWCAC approves the proposals for funding and encourages residents to look around their neighborhoods for projects that all residents can enjoy and be proud of. (Previously funded project: Fulton "Welcome" signs.)

D. Community Involvement

A group of three or more active and involved residents in Mark West, Larkfield, Wikiup and Cal Am Water customers in Fulton can apply for the Neighborhood Improvement funds.

E. Project Design

Projects must be detailed and include site specific drawings, photographs, maps and any other supporting documentation that would assist the MWCAC's understanding of the project. The application must demonstrate that the project will meet all local, state and federal codes.

2. FUNDING APPLICATION PROCESS

A. How to Apply

Complete the application form and deliver to any MWCAC monthly meeting or email to: MWCAC Secretary, Aggie Maggio aggiemaggio@icloud.com.

B. Application Submission Dates

Applications are accepted by the MWCAC 4 times a year on the dates below. If the date falls on a weekend or holiday, the application should be submitted the following business day.

- June 1st
- September 1st
- December 1st
- March 1st

C. Application Review and Approval

Within three months of submission date the MWCAC will review and select projects to be considered by the Board of Supervisors. This review process will include discussions with the County to determine the proper procurement methods for the project. Once the projects are reviewed they will be considered by the Board. If the Board approves a project the applicant will receive a notice to proceed in writing from the secretary of the MWCAC.

D. Funding or Reimbursement

Funds can be distributed before or after a project is built.

1. If funding is requested prior to building:
 - a. After the Board of Supervisors approves the project, the applicant may be awarded funding for construction. The amount should be consistent with the costs detailed in the application. Once the project is complete, the applicant will submit all receipts to be reviewed by the MWCAC. The applicant will also return any unused funds. If the use of funds is inconsistent with the application the MWCAC may request reimbursement from the applicant.
2. If funding is reimbursed:
 - a. After receiving and confirming all project expenditures the MWCAC will submit the project for payment (payable to the designated neighborhood contact person/leader or vendor).

10. Project Scope of Work (detailed explanation of the project steps):

11. Project Timeline:

12. Amount of Funds Required:

13. Summary of Project Costs (attach a spreadsheet with a line item for each costs, which includes permit costs, the unit costs of materials, the amount of each material, labor costs, and a justification for each figure):

14. Are there ongoing costs to the project such as maintenance or repairs? If so, please explain how these costs will be financed.

15. What is the lifetime of the project? Will it have to be removed or replaced after its lifetime? Who will maintain responsibility?

EXHIBIT “J” - SCOPE OF AUTHORITY

The Mark West Area Citizens Advisory Council (MWCAC) is charged with examining, discussing, and making recommendations regarding Use Permits, Rezoning and General Plan amendment applications within the Mark West Area. Additionally, they will make annual recommendations on allocations of the CalAm Franchise Fees, and advise the 4th District Supervisor on Transit and Public Works priorities.

The MWCAC is additionally authorized to pro-actively advocate for policies and projects it perceives as necessary to resolve potential and actual issues confronting the community or to improve the quality of life of the community. In so doing it is further granted the authority to solicit, apply for and accept funding from sources outside of the County budget whether by grants or private donation. Such funds shall be accounted for separately from the Franchise Fee funds and shall be tracked and reported to assure they are allocated to the designated purpose.

Site Review. All proposed use permits, rezoning applications, and General Plan amendments occurring in the Mark West Area watershed may be visited on-site by any member of the MWCAC or by an ad-hoc committee, appointed by the MWCAC chair, consisting of at least two MWCAC Members. MWCAC Members will coordinate site visits directly with the applicant or owner.

Ad Hoc Committee Report. Any appointed ad-hoc committee will report to the full MWCAC at its next regularly scheduled meeting. The applicant or their representative will be expected to attend to make a presentation on their proposal and answer questions from MWCAC Members and interested community attendees.

MWCAC Review. The MWCAC will recommend to the County’s PRMD its 4/5 consensus view after considering the ad-hoc committee’s report and any supplemental information supplied by the project applicant. Should the applicant or their representative not attend the MWCAC’s review, the MWCAC may make its recommendation based upon other information supplied by the ad-hoc committee and the County’s PRMD. As with any other project, any MWCAC Member having a personal or professional relationship with the applicant that would bias the member’s judgment should refrain from participating in the review.

Advisory Recommendation. Minutes of the meeting detailing the MWCAC’s recommendations will be forwarded by the MWCAC’s Secretary to the County’s PRMD with a copy to the project applicant.

Advisory Support. The Mark West Citizens Advisory Council will provide additional advisory support to the District Supervisor as requested.

Mark West Springs area use of Cal Am franchise fees. Annually, the County collects approximately \$40,000 in franchise fees from CalAm for services provided in the Mark West Springs area. The MWCAC shall consider the available funds and may make recommendations for the expenditure of these funds, within the following guidelines:

1. In December of each year, the Department of Transportation and Public Works shall provide the MWCAC with an estimate of available funds effective the beginning of the next fiscal year.
2. The annual recommendation for the use of funds is due from the MWCAC by March 1, and should be submitted to the Department of Transportation and Public Works, for inclusion in the annual budget.

3. Recommendations shall be within the available fund balance, and shall be for one-time expenditures that benefit the Mark West Springs Community. These funds are not available for on-going maintenance, and any recommendations that create an on-going maintenance need must include a commitment of funding from another source to support the on-going maintenance.
4. Recommendations will be included in the annual recommended budget submitted by Transportation and Public Works.
5. Funds may be accumulated over time to accomplish larger projects.

EXHIBIT “K” - SONOMA COUNTY PLANNING AGENCY

The Planning Agency (Planning Commission and the Board of Zoning Adjustments) serves primarily as the recommending body to the Planning Commission, Board of Zoning Adjustments and Sonoma County Board of Supervisors.

The Planning Agency consists of ten commissioners who are appointed by and serve at the pleasure of the Board of Supervisors. The commissioners rotate sequentially by district every ten months. The chairmanship of each body rotates yearly by district.

The Planning Commission holds public meetings and makes recommendations to the Board of Supervisors concerning updates and amendments to the County’s General Plan and Zoning regulations. The Planning Commission also holds hearings and makes decisions on major subdivisions and mining proposals. There are five members who sit on the Planning Commission with one alternate for each district.

The Board of Zoning Adjustments conducts public hearings and makes decisions on applications for Use Permits, Zoning Variances and Coastal development Permits. There are five members who sit on the Board of Zoning Adjustments with one alternate for each district.

PURPOSE

The purpose of this policy is to define the circumstances in which the County of Sonoma refers projects and applications to the Mark West Citizens Advisory Council (MWCAC) for comment.

GENERAL

All applications for General Plan Amendments, Rezoning, and Use Permits within the Mark West Area as shown on the attached Exhibit A shall be referred to the MWCAC for review and comment.

AUTHORITY

The Sonoma County Board of Supervisors created the MWCAC by Resolution No. 16-0231 to serve as an advisory body on applications for use permits, rezoning and General Plan amendments within the Mark West Area.

PROCEDURE

- A. Following a determination that a proposal is subject to MWCAC review, the County of Sonoma Planning staff shall deliver or have delivered a copy of the project application, and any available supporting materials to the Chairperson of the MWCAC.
- B. The chairperson will determine, with the MWCAC's Secretary, whether to place the project on the next available agenda of the MWCAC for comment.
- C. If the item is brought to the MWCAC for comment, it shall be the responsibility of the MWCAC to prepare and deliver written minutes of the action to the County of Sonoma planning staff in a timely manner so that they may be forwarded to the hearing body at the time of project review.
- D. The hearing body shall consider the comments of the MWCAC in the course of its review of the project, but the comments shall not be considered binding and the hearing body shall act on the project application as it deems fit.
- E. Project applicants must attend MWCAC meetings when their project is being heard by the MWCAC.
- F. Projects referred to the MWCAC for comment shall be reviewed by the MWCAC within 45 days after the referral. The failure of the MWCAC to make an advisory recommendation within 45 days after the referral shall be deemed to mean that the MWCAC has no recommendation on the project.
- G. This policy does not preclude the County of Sonoma or planning staff from referring issues to the MWCAC for advice and comment that may not be subject to environmental review as defined by this policy.

RESPONSIBILITIES AND REVIEW

- A. The County of Sonoma is responsible for reviewing this policy no less than every ten years to determine whether it is still representative of the Mark West Area and still an effective review board for the County. Changes may be made by a majority vote of the Board of Supervisors.
- B. The Sonoma County Board of Supervisors will review this policy from time to time, as it deems necessary.

EXHIBIT “L” - FREQUENTLY ASKED QUESTIONS
FOR PROJECT APPLICANTS APPEARING BEFORE THE MWCAC

Congratulations on appearance before the Mark West Area Citizens Advisory Council (“MWCAC”) to discuss your proposed use permit, rezoning application, or request for a General Plan amendment. Your participation can give you important insight into the reaction your project will generate from concerned neighbors and citizens in the Mark West Area.

This guide is intended to help you prepare for your hearing by describing the process, and listing the types of questions you might expect to hear from the MWCAC. If you have further questions or concerns, please contact the MWCAC Chair.

What is the MWCAC?

The MWCAC is an advisory body formed by the Sonoma County Board of Supervisors. The group is chartered with the following mission statement:

The mission of the MWCAC is to act as a bridge for communication between the County and local residents and businesses, and the general public on local planning decisions affecting the Mark West Area.

The MWCAC provides a forum for public expression and for making advisory recommendations to the County of Sonoma and its Permit and Resource Management Department, Board of Zoning Adjustments, Planning Commission, and Board of Supervisors on applications for use permits, rezonings, and general plan amendments in the Mark West Area.

With respect to Planning, the three main functions of the MWCAC are to discuss, review and make recommendations regarding development proposals located in the Mark West Area specifically related to:

- Use permits
- Rezoning Applications
- General Plan Amendments

Who Sits on the MWCAC?

The Sonoma County Board of Supervisors appoints five members to the MWCAC. All members must reside within the referral area. Two members shall be nominated by the Mark West Chamber of Commerce; one member shall be nominated by the Mark West School Board; one member shall be nominated by the 4th District Supervisor from the Fulton area, and one member shall be nominated by the 4th District Supervisor to serve “at large.” All members shall hold office for a term of two-years or until their successor is appointed and qualified, with the exception of the initial members. Members can serve for up to two terms (a total of four years). All members shall serve at the pleasure of the Board of Supervisors and may be removed from office at any time by the Board, with or without cause.

In addition, the Fourth District County Planning Commissioner may attend meetings as an ex-officio member. The Planning Commissioner is not eligible to vote at MWCAC meetings.

The MWCAC has two officers (Chair and Vice Chair) and one private position (Secretary). The Chair is responsible for conducting meetings and setting the MWCAC agenda. The Vice Chair supports the Chair in business matters. The Secretary, which is an independent contract position and is hired and

compensated by the MWCAC and is responsible for public posting of the meetings, attends meetings and prepares the minutes of each meeting, as well as maintaining files. Officers serve for two year terms, with elections in January. Officers cannot serve more than two consecutive terms.

Why was my Project Selected for Review by the MWCAC?

The Chair of the MWCAC, with the assistance of the MWCAC Secretary, selects projects and application proposals for review based on his or her judgment of the potential impacts that the project may have on the Mark West Area.

My Plans are only Conceptual at This Point; Should I present them now?

The advantage to appearing before the MWCAC when your project is only in the conceptual stage is that you can get a sense of the community's response to your plans before spending a lot of time and money on a full-fledged design.

The disadvantage is that the MWCAC is more likely to be unwilling to recommend approval of your plans/proposal without seeing final details, so they may ask you to reappear when you have completed your planning.

The risk of appearing late in your project planning process is that the MWCAC may recommend significant changes, or even recommend that your project be denied approval.

For projects that may generate community opposition or concerns, you might consider holding local community/neighborhood meetings before filing for a permit application.

Most projects are handled in one hearing; however, it may be to your advantage to return to the MWCAC for consideration of your revised plan.

What Are the Key Areas of Concern that the MWCAC Members are Likely to Raise?

Concerns will inherently vary, based on the type of project or proposal being reviewed. Often these topics come up during Commission meetings:

- Traffic generation, particularly along windy and well-worn County roads
- Parking
- Event Activity
- Scope of use permits
- Concentration
- Water use
- Sanitation and other matters of health and safety
- Well, septic, drainage and ground water questions
- Noise
- Visual impacts
- Appropriateness of project given zoning and other land use designations
- Preservation of trees and native habitats
- Other environmental impacts

How are MWCAC Meetings Organized?

A regular meeting begins with a roll call and the approval of the minutes, followed by an opportunity for members of the public to address the MWCAC on matters not otherwise on the agenda.

Typically a series of proposed projects and applications are then reviewed. Finally, the MWCAC considers administrative issues, and reports from ad hoc committees.

What Procedures Are Followed for the Project Review?

Applicants or their representatives make a brief presentation before the MWCAC, followed by a period for MWCAC members to ask questions. The public is then given an opportunity to ask questions and/or comment on the project.

The Chair will then close the public comment portion of the review, and MWCAC members will then discuss the project and pass a resolution, if warranted. Please note that once the public comment portion of the review is closed, any additional comments or answers to materials from the MWCAC members should be addressed through the Chair.

How Should I Plan my Presentation?

The best presentations begin with a complete application package. MWCAC members often receive abbreviated project applications from the County, and if there is additional information that you would like them to have, please work with the Council Secretary to get the materials to the MWCAC members in advance of the meeting.

A concise presentation is often better than a comprehensive one. Assume that the MWCAC members have reviewed the package of information that describes your project, so your description of the application can be brief. It is helpful to describe exactly what approval you are seeking (i.e. a zoning change or a use permit) and what level of project planning you have completed (is this a conceptual review, or are there well-developed plans?).

Focus on the impacts that your project will have and how you intend to mitigate them. What concerns are neighbors of the project likely to have? Have you notified them of your plans, or held a meeting with them yet?

MWCAC members will focus on their concerns during the question and answer period, so it is not necessary to try and anticipate and answer every concern in your presentation. If you would like guidance regarding preparation for your appearance, don't hesitate to contact the Chair in advance of the meeting.

How Should I Handle Questions and Comments from the Audience?

During the open comment period, members of the audience will have the opportunity to ask questions and state their opinions about your proposal. We recommend that you answer questions forthrightly and concisely. You should not feel obligated to respond to statements of opinion.

The Chair will help moderate this portion of the hearing. If the project is likely to engender a level of controversy or extensive feedback from the community, the Chair will likely establish guidelines for the public comment period, potentially including time limits for each speaker.

What Happens to the Recommendations Made by the MWCAC?

The MWCAC Secretary will capture all aspects of the project review in the meeting minutes. Minutes are

distributed to the Sonoma County Fourth District Supervisor and to the County's Planning department.

One of the MWCAC members appointed by the County is also charged with meeting directly with planning staff to review specific projects. The Sonoma County Planning Commissioner from the Fourth District is usually in attendance to hear discussion of projects, but will not take part in the question period.

I Don't Like the Resolution Passed by the Council ... Now What?

Please remember that MWCAC reviews are advisory in nature, and that you can certainly continue seeking approval for your project at the County. However, the MWCAC strives to reflect the concerns and sense of opinion of the Mark West Area, and you could consider putting this information to good use.

Can you modify your proposal to address the significant concerns raised at the hearing? If you choose to do so, you might also consider asking to appear before the MWCAC again to review your modified plans.



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing Budgetary Adjustments to the FY 2018/19 Final Budget for the Transportation and Public Works Department To Appropriate \$18,400.00 for the Neighborhood Improvement Program in the Mark West, Larkfield, Wikiup, and Fulton Area.

Whereas, the Board of Supervisors has adopted a Final Budget for the Transportation and Public Works Department; and

Whereas, the Government Code allows for adjustments to the Final Budget during the 2018-2019 Fiscal Year; and

Whereas, the Board of Supervisors (the "Board") of the County of Sonoma, California (the "County") by its Resolution No. 16-0231 established the Mark West Citizen's Advisory Council to advise the Board; and

Whereas, the County collects a franchise fee from California American Water for use of County right of ways, and;

Whereas, the Mark West Citizen's Advisory Council is tasked with providing recommendations for the use of these franchise fees in the Mark West area;

Now, Therefore, Be It Resolved that the County Auditor-Controller is hereby authorized and directed to make the following budgetary adjustments needed to appropriate Cal-American Franchise Fees for completion of an approved Neighborhood Improvement Program project.

Resolution #

Date:

Page 2

FINANCING USES:

TRANSPORTATION AND PUBLIC WORKS - PW SPECIAL PROJECTS (10056)
Cal-Am Franchise Fees – Other Professional Services (34020600-51249) \$18,400.00

FINANCING SOURCES:

TRANSPORTATION AND PUBLIC WORKS – PW SPECIAL PROJECTS (10056) \$18,400.00
PW Cal-Am Franchise Fees – Fund Balance (34020600-41109)

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 10
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor James Gore 707-565-2241

Supervisorial District(s):

All

Title: California State Association of Counties Board of Directors Assignment

Recommended Actions:

Nominate Supervisor James Gore as the Board's primary appointment to the California State Association of Counties Board of Directors and Supervisor Susan Gorin as the alternate.

Executive Summary:

The California State of Association of Counties (CSAC), represents county government before the California Legislature, administrative agencies and the federal government. They have a Board of Directors that is comprised of one primary and one alternate member for each of the California's 58 Counties. This item requests to nominate Supervisor James Gore as the primary appointee and Supervisor Susan Gorin as the alternate appointee to the CSAC Board of Directors.

Discussion:

The California State of Association of Counties (CSAC), represents county government before the California Legislature, administrative agencies and the federal government. They have a Board of Directors that is comprised of one primary and one alternate member for each of the California's 58 Counties. Supervisor James Gore currently serves as Sonoma County's primary appointee to CSAC and Supervisor Susan Gorin serves as the alternate appointee.

On September 26, 2018, CSAC sent a letter requesting the nomination for the 2018-19 term. Under provisions of the CSAC Constitution, members of the Board of Directors and alternates are nominated by their respective Boards of Supervisors and appointed by the CSAC Executive Committee to a one-year term of office commencing with the first day of the CSAC annual conference. This year, that will be on Tuesday, November 27, 2018.

This item requests to nominate Supervisor James Gore as the primary appointee and Supervisor Susan Gorin as the alternate appointee to the CSAC Board of Directors.

Prior Board Actions:			
November 14, 2017 – The Board of Supervisors appointed Supervisor James Gore as the primary appointee and Supervisor David Rabbitt as the alternate appointee to the CSAC Board of Directors.			
Strategic Plan Alignment Goal 4: Civic Services and Engagement			
Participation with the CSAC Board of Directors furthers the County’s strategic plan goal of civic services and engagement by advocating for increased support for county services and programs at a state and federal level.			
Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			

Attachments:
Related Items "On File" with the Clerk of the Board:



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 11
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Sheryl Bratton 707-565-2431

Supervisorial District(s):

All

Title: Statewide Ballot Measures

Recommended Actions:

Consider taking a formal position on statewide ballot measures: Proposition 1, Proposition 2, Proposition 5, and Proposition 6.

Executive Summary:

On Tuesday, November 6, 2018 a General Election will be held throughout California. The County of Sonoma has identified statewide ballot measures that may have potential impacts to the County of Sonoma. The Board may consider taking a formal position of support or opposition. The statewide ballot measures to be considered are Proposition 1, Proposition 2, Proposition 5, and Proposition 6.

Discussion:

The November 6, 2018 ballot includes the following four ballot measures that may have potential impacts to the County of Sonoma.

Proposition 1: Authorizes Bonds to Fund Specified Housing Assistance Programs.

Proposition 2: Authorizes Bonds to Fund Existing Housing Program for Individuals with Mental Illness.

Proposition 5: Changes Requirements for Certain Property Owners to Transfer Their Property Tax Base to Replacement Property.

Proposition 6: Eliminates Certain Road Repair and Transportation Funding. Requires Certain Fuel Taxes and Vehicle Fees be Approved by the Electorate.

Proposition 1: Authorizes Bonds to Fund Specified Housing Assistance Programs. Legislative Statute.

A **YES** vote on this measure means: Allows the state to sell \$4 billion in general obligation bonds to fund veterans and affordable housing.

A **NO** vote on this measure means: The state could not sell \$4 billion in general obligation bonds to fund veterans and affordable housing.

Proposal

This measure allows the state to sell \$4 billion in new general obligation bonds for various state housing programs and home loan assistance to veterans.

The measure provides \$3 billion for various state housing programs. Proceeds from the bond sale would be awarded to program applicants—local governments, nonprofit organizations, and private developers—through a competitive process administered by the state.

- Affordable Multifamily Housing Programs - \$1.8 billion
- Infrastructure Programs - \$450 million
- Homeownership Programs - \$450 million
- Farmworker Housing Program - \$300 million

This measure also provides \$1 billion for home loan assistance to veterans. Veterans generally use these loans to purchase single-family residences, condominiums, farms, and mobile homes.

- Veterans Housing Program - \$1 billion

Fiscal Effects

This measure would allow the state to borrow up to \$4 billion by selling general obligation bonds to investors. The cost of these bonds would depend on various factors—such as the interest rates in effect at the time they are sold, the timing of the bond sales, and the time period over which they are repaid.

Three billion dollars – the funds allocated to various state housing programs -- would be repaid with interest from the state's General Fund. The California Legislative Analyst's Office estimates that the cost to taxpayers to repay the bonds would average about \$170 million annually for 35 years—totaling \$5.9 billion to pay off both the principal (\$3 billion) and interest (\$2.9 billion). This amount is about one-tenth of 1 percent of the state's current General Fund budget.

As to the remaining \$1 billion, Veterans participating in the home loan program would make monthly payments to the state, allowing the state to repay these bonds. These payments have always covered the amount owed on the bonds, meaning the program has always operated at no direct cost to the state.

Impact to the County of Sonoma

This measure would provide funding for affordable housing programs for Sonoma County's most vulnerable populations. Staff recommends a formal resolution of support be taken.

Proposition 2: Authorizes Bonds to Fund Existing Housing Program for Individuals with Mental Illness. Legislative Statute.

A **YES** vote on this measure means: The state could use existing county mental health funds to pay for housing for those with mental illness who are homeless.

A **NO** vote on this measure means: The state's ability to use existing county mental health funds to pay for housing for those with mental illness who are homeless would depend on future court decisions.

Proposal

The measure will confirm that the state may carry out the No Place Like Home program as currently designed. In particular, the measure:

- Approves the Use of Mental Health Services Act Funds for No Place Like Home. No more than \$140 million of Mental Health Services Act funds could be used for No Place Like Home in any year.

- Authorizes \$2 billion in borrowing. The measure allows the state to sell up to \$2 billion in bonds to pay for the No Place Like Home program. The bonds would be repaid over many years with Mental Health Services Act funds.

The No Place Like Home was created by the Legislature in 2016 to build and rehabilitate housing for those with mental illness who are homeless or at risk of becoming homeless. The program is designed to use certain funding from the state’s Mental Health Services Act, approved by the voters in 2004.

The No Place Like Home program, however, has been challenged in Court. Opponents allege that the program is inconsistent with the terms of the Mental Health Services Act, and have asked the Court to decide two main issues:

- Whether using Mental Health Services Act dollars to pay for the No Place Like Home program is consistent with what the voters wanted when they approved the Mental Health Services Act in 2004.
- Whether voters need to approve the No Place Like Home bonds. (The State Constitution requires voters to approve certain kinds of state borrowing.)

This Court decision is pending.

Approval of this measure would negate the need for a Court decision. By this measure, the voters themselves would affirm the No Place Like Home program and approve the issuance of No Place Like Home bonds. With passage of this measure, the state would no longer need court approval to carry out the program.

Fiscal Effects

Allows the state to use up to \$140 million per year of county mental health funds to repay up to \$2 billion in bonds. These bonds would fund housing for those with mental illness who are homeless or at risk of becoming homeless.

In 2016, the Legislature created the No Place Like Home program to build and rehabilitate housing for those with mental illness who are homeless or at risk of becoming homeless. The state plans to pay for this housing by borrowing up to \$2 billion. The state would borrow this money by selling bonds, which would be repaid with interest over about 30 years using revenues from the Mental Health Services Act. This means less funding would be available for other county mental health services. No more than \$140 million of Mental Health Services Act funds could be used for the No Place Like Home program in any year. The bond payments would be around \$120 million in the typical year.

Impact to the County of Sonoma

This measure would provide funding for affordable housing programs for Sonoma County’s most vulnerable populations. Staff recommends a formal resolution of support be taken.

Proposition 5: Changes Requirements for Certain Property Owners to Transfer Their Property Tax Base to Replacement Property. Initiative Constitutional Amendment and Statute.

A **YES** vote on this measure means: Expand opportunities for homeowners who are over 55 or severely disabled to transfer their property tax base (and realize resulting property tax savings) when they move to a different home.

A **NO** vote on this measure means: Maintain current state rules on homeowners’ ability to transfer their property tax base when they move to a different home.

Proposal

The measure amends the State Constitution to expand the special rules that allow certain eligible homeowners to transfer their property tax base (and enjoy resulting property tax savings) when they buy a different home. Beginning January 1, 2019, the measure:

- Allows moves anywhere in the state. Eligible homeowners could transfer the taxable value of their existing home to another home anywhere in the state.
- Allows the purchase of a more expensive home. Eligible homeowners could transfer the taxable value of their existing home (with some adjustment) to a more expensive home. The taxable value transferred from the existing home to the new home is adjusted upward. The new home's taxable value is greater than the prior home's taxable value but less than the new home's market value.
- Reduces taxes for newly-purchased homes that are less expensive. When an eligible homeowner moves to a less expensive home, the taxable value transferred from the existing home to the new home is adjusted downward.
- Removes limits on how many times a homeowner can use the special rules. There is no limit on the number of times an eligible homeowner can transfer their taxable value.

Fiscal Effects

The measure could have multiple effects on property tax revenue: Right now, about 85,000 homeowners who are over 55 move to different houses each year without receiving a property tax break. Most of these movers end up paying higher property taxes. Under the measure, their property taxes would be much lower. This would reduce property tax revenue.

The measure may cause more eligible homeowners to sell their homes and buy different homes because it provides a measure of property tax relief. The Legislative Analyst estimates that the number of movers could increase by a few tens of thousands. More people interested in buying and selling homes could have some effect on home prices and home building. Increases in home prices and home building would lead to increased property tax revenue. The Legislative Analyst has concluded that the revenue losses from people who would have moved anyway would be greater than the tax revenue gains from higher home prices and home building. This means the measure could reduce property taxes for local governments. The Legislative Analyst anticipates that in the first few years, schools and other local governments could each potentially lose over \$100 million per year. Current law requires the state to provide more funding to most schools to cover their property tax losses. Over time, these losses would grow, resulting in schools and other local governments each losing about \$1 billion per year.

County assessors would need to create a process to calculate the taxable value of homes covered by this measure. This would result in one-time costs for county assessors in the tens of millions of dollars or more, with somewhat smaller ongoing cost increases.

Impact to the County of Sonoma

Proposition 5 would have significant negative financial implications for the County, both in terms of the cost of creating a new process for calculating taxable values and the potential for reduced property taxes. Staff recommends opposing this measure.

Proposition 6: Eliminates Certain Road Repair and Transportation Funding. Requires Certain Fuel Taxes and Vehicle Fees be Approved by the Electorate. Initiative Constitutional Amendment.

A YES vote on this measure means: Fuel and vehicle taxes recently passed by the Legislature would be eliminated, which would reduce funding for highway and road maintenance and repairs, as well as transit programs. The Legislature would be required to submit to the voters any new or increased state fuel and vehicle taxes in the future. Such taxes would go into effect only if approved by a majority of the electorate.

A NO vote on this measure means: Fuel and vehicle taxes recently passed by the Legislature would continue to be in effect and pay for highway and road maintenance and repairs, as well as transit programs. The Legislature would continue not to need voter approval for new or increased state fuel and vehicle taxes in the future.

Proposal

Proposition 6 would repeal a recent increase in the gas and diesel tax and vehicle fees, and require voter approval for all transportation related tax increases in the future. Thus, the Legislature would need voter approval for such taxes as gasoline and diesel excise and sales taxes, vehicle license fees, and transportation improvement fees. Proposition 6 would apply retroactively to all such taxes and fees enacted in and since 2017.

Fiscal Effects

Statewide, Proposition 6 would eliminate more than \$52 billion over the next 10 years in existing transportation funding under SB1. In Sonoma County, Proposition 6 would eliminate approximately \$10 million in SB1 funds in Fiscal Year 2018-19 alone. Repeal of SB1 would raid these funds and prevent the County from completing many projects already in progress and at least delay and inhibit many others that are currently planned, such as the backlog of deferred maintenance, which exceeds \$900 million.

Impact to the County of Sonoma

The FY 18-19 adopted Roads budget anticipates \$9.8 million in SB1 revenues to fund maintenance and pavement preservation projects. If Proposition 6 passed and SB1 were repealed, revenues would be decreased, delaying projects approved by the Board on April 17, 2018 until alternative resources became available. Additional SB1 funding totaling approximately \$1 million anticipated for Transit programs would also be decreased.

On September 10, 2018, the Sonoma County Transportation Authority (SCTA) Board voted to oppose Proposition 6. Staff recommends opposing Proposition 6.

Prior Board Actions:

May 22, 2018 – Resolution supporting Proposition 3 (State water bonds).

July 10, 2018 - Resolution introducing proposed ordinance imposing a 1/8 cent transactions and use tax in Sonoma County for parks.

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Support for Propositions 1 and 2 align with the Civic Services and Engagement strategic goal as these propositions have the potential to increase support for County services and programs.

Opposing Propositions 5 and 6 align with the Civic Services and Engagement strategic goal as these propositions would have significant negative financial implications for the County.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Fiscal impacts included in discussion.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Resolution Supporting Proposition 1 Resolution Supporting Proposition 2 Resolution Opposing Proposition 5 Resolution Opposing Proposition 6			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Supporting Proposition 1: Authorizes Bonds to Fund Specified Housing Assistance Programs.
Legislative Statute.**

Whereas, housing affordability is an urgent issue facing families and communities across California, and the cost of housing means many people and families can't afford other basics like food and transportation; and

Whereas, addressing California's lack of affordable housing must be an urgent priority at a time when more than half of California households that rent (more than 3 million) spend more than 30 percent of their income toward rent and nearly one-third (over 1.5 million households) spend more than 50 percent of their income on rent; and

Whereas, the devastation of the housing crisis is evident in homelessness in our communities; and

Whereas, California's homeownership rates are at the lowest point since the 1940s and recent housing production levels are far short of the state's projected housing need for 180,000 new homes per year; and

Whereas, last year the Legislature passed, and Governor Brown signed SB 3 (Beall), which City of Santa Rosa supported, that placed the \$4 billion Veterans and Affordable Housing Bond Act on the November 6, 2018 general election ballot, now identified as Proposition 1; and

Whereas, Proposition 1, the Veterans and Affordable Housing Bond Act, dedicates funding to help military veterans have a safe place to call home, provides stable housing for struggling families, people experiencing homelessness and individuals with disabilities; and

Whereas, Proposition 1, the Veterans and Affordable Housing Bond Act, invests in Californians' priorities: building homes, creating jobs and boosting the economy;

Resolution #

Date:

Page 2

the initiative is expected to create 137,000 jobs and pump \$23.4 billion into California's economy.

Whereas, the County of Sonoma Board of Supervisors considered taking a formal position on Proposition 1 at a duly noticed public meeting held on Tuesday, October 23, 2018, where all perspectives were presented and considered.

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma hereby supports Proposition 1, the Veterans and Affordable Housing Bond Act, on the November 6, 2018 ballot to infuse much needed funding to support important affordable housing projects and spur housing construction in Sonoma County and statewide.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Supporting Proposition 2: Authorizes Bonds to Fund Existing Housing Program for Individuals
with Mental Illness. Legislative Statute.**

Whereas, more than 134,000 people in California are languishing on our streets, huddled on sidewalks, sleeping under freeways and along riverbanks; and

Whereas, as many as a third of the people living in these unsafe conditions are living with an untreated mental illness; and

Whereas, decades of research shows providing people with a stable place to live along with mental health services promotes healthy, stable lives; and

Whereas, without the foundation of a stable home connected to mental healthcare, people suffering from serious mental illness are unable to make it to doctors' appointments and specialized counseling services, often showing up in emergency rooms as a last resort; and

Whereas, permanent supportive housing significantly reduces public health costs, reduces suffering for patients, and achieves better health outcomes; and

Whereas, Proposition 2 uses proven, models of pairing housing and mental health care – keeping Californians experiencing homeless off the streets, out of hospitals and emergency rooms and receiving the mental health services they need, while easing the burden on emergency responders and saving taxpayers millions; and

Whereas, in Santa Rosa and Sonoma County, there is a need for permanent supportive housing as evidenced by the 2018 Sonoma County Homeless Census and Survey (Homeless Count), which identified 747 chronically homeless individuals, defined as someone who has experienced homelessness for a year or longer – or who has experienced at least four episodes of homelessness totaling 12 months in the last three years – and also has a disabling condition that prevents them from maintaining work or housing; and

Resolution #

Date:

Page 2

Whereas, the need for permanent supportive housing is further substantiated by a survey conducted as part of the Homeless Count, which found that 35% of respondents have a psychiatric or emotional condition, 28% suffer from Post-Traumatic Stress Disorder, and an overwhelming 90% expressed an interest in permanent housing if it were available.

Whereas, the County of Sonoma Board of Supervisors considered taking a formal position on Proposition 2 at a duly noticed public meeting held on Tuesday, October 23, 2018, where all perspectives were presented and considered.

Now, Therefore, Be It Resolved that the County of Sonoma Board of Supervisors hereby supports Proposition 2: No Place Like Home on the November 6, 2018 ballot to help end the suffering on our streets and neighborhoods by connecting people who have a serious mental illness to the supportive housing they need to get treatment and care in the stability of a home.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Opposing Proposition 5: The "Property Tax Transfer Initiative" to Appear on the November 6, 2018 Statewide Ballot

Whereas, California's 58 counties play a vital role in promoting the quality of life, health and well-being of all Californians; and

Whereas, counties rely on local ad valorem property tax to deliver essential services to their communities, including fire, law enforcement, and emergency medical services administer crucial health and social services programs from foster care and child welfare to behavioral health and homelessness services water and transportation; and

Whereas, Proposition 5, the "Property Tax Transfer Initiative", which will appear on the November 6, 2018, statewide ballot, proposes to amend Proposition 13 (1978) to allow homebuyers who are age 55 or older or severely disabled to transfer the tax-assessed value from their prior home to their new home, no matter the new home's market value, location in the State or the number of moves; and

Whereas, the approval of Proposition 5, would severely harm the ability of counties to continue to provide quality services by transferring local property taxes away from those local agencies that provide those essential services; and

Whereas, the nonpartisan Legislative Analyst has estimated that the fiscal impact of Proposition 5 on local government would be "\$100 million in annual property tax revenue in the first few years, growing over time to about \$1 billion per year; and

Whereas, Proposition 5 would also drain up to \$1 billion annually from local revenues for schools in California; and

Whereas, Proposition 5 would drain critical general fund revenues from the County of Mono, putting at risk crucial services that help create and preserve

Resolution #

Date:

Page 2

healthy, safe, and economically vibrant communities.

Whereas, the County of Sonoma Board of Supervisors considered taking a formal position on Proposition 5 at a duly noticed public meeting held on Tuesday, October 23, 2018, where all perspectives were presented and considered.

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma Opposes Proposition 5 on the November 6, 2018 ballot.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Opposing Proposition 6: Eliminates Certain Road Repair and Transportation Funding. Requires
Certain Fuel Taxes and Vehicle Fees Be Approved by the Electorate. Initiative Constitutional
Amendment.**

Whereas, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

Whereas, the 2016 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating at an increasing rate; and

Whereas, California has more than 1,600 bridges and overpasses that are structurally deficient and unsafe and 89% of counties have roads that are in 'poor' or 'at-risk' condition; and

Whereas, Proposition 6 would eliminate more than \$52 billion over the next 10 years in existing transportation funding, including the \$15 billion in direct apportionments, and \$11 billion in available competitive grant funding, to cities and counties statewide; and

Whereas, Prop 6 would eliminate \$9.8 million annually dedicated to the County of Sonoma, and halt critical investments in future transportation improvement projects in our community, investments that will be used for rehabilitating failing pavement and enhancing bicycle and pedestrian travel and maintaining service levels and supporting the County's bus replacement program, expanding the number of electric buses in the fleet, and helping to fill funding gaps that have resulted from reductions in other state funding for transit services; and

Resolution #

Date:

Page 2

Whereas, Prop 6 would eliminate transportation revenues that are accountable to taxpayers, can't be diverted or borrowed, and that voters overwhelmingly dedicated to fixing our roads.

Whereas, the County of Sonoma Board of Supervisors considered taking a formal position on Proposition 6 at a duly noticed public meeting held on Tuesday, October 23, 2018, where all perspectives were presented and considered.

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma hereby opposes Proposition 6 on the November 2018 ballot.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

BOARD OF SUPERVISORS

AGENDA ADDENDUM

OCTOBER 23, 2018

CONSENT CALENDAR

THE FOLLOWING ITEM IS BEING ADDED TO THE CONSENT CALENDAR:

HUMAN RESOURCES

AND

**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT/
SONOMA COUNTY WATER AGENCY**

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

AND

COMMUNITY DEVELOPMENT COMMISSION

(Commissioners: Gorin, Rabbitt, Zane, Gore, Hopkins)

- 34a. Side Letter to the Memorandum of Understanding between the County of Sonoma and Service Employees' International Union, Local 1021:
Adopt a Concurrent Resolution approving a Side-Letter Agreement between the County of Sonoma and
the Service Employees' International Union Local 1021.

THE FOLLOWING ITEM IS BEING REMOVED FROM THE CONSENT CALENDAR:

COUNTY ADMINISTRATOR/COUNTY COUNSEL

12. Amendment to Intergovernmental Mitigation Agreement with Federated Indians of Graton Rancheria:
Authorize the Chair to execute Amendment No. 1 to the 2012 Intergovernmental Mitigation Agreement with the Federated Indians of Graton Rancheria including the enforcement of Mitigation Measures identified in the Final Tribal Environmental Impact Report and dispute resolutions. (Second District)



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 13
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: 4/5

Department or Agency Name(s): County Administrator
Fire & Emergency Services

Staff Name and Phone Number:

Sheryl Bratton, 565-2241
Christopher Godley, 565-2052

Supervisory District(s):

All

Title: Extend Proclamation of Local Emergency Due to the Sonoma Complex Fires

Recommended Actions:

Adopt a Resolution Extending the Proclamation of Local Emergency Issued on October 9, 2017, for another 30 Days Due to Damage Arising from the Complex Fires.

Executive Summary:

This item requests the Board of Supervisors adopt a resolution approving a 30-day extension of the October 9, 2017, Proclamation of a Local Emergency in the Sonoma County Operational Area due to the effects of the Complex Fires. The Complex Fires began on Sunday, October 8, 2017, causing extreme property damage and health and safety concerns. The County Administrator proclaimed the Existence of a Local Emergency on October 9, 2017, and the Board of Supervisors adopted Resolution No. 17-0389 ratifying that proclamation on October 10, 2017. The fires left a large debris field in their wake. The removal of debris from a wildfire disaster creates unique concerns due to the potential presence of hazardous materials and the large scale of the incident and will require significant resources to remove. As long as the residential and commercial fire debris remains on the ground, it poses an imminent and extensive threat to public health and safety, the environment (including creating serious concerns for water quality and supply due to the presence of hazardous materials and the damage to sewer service laterals), public infrastructure, and undamaged property. As required by Government Code section 8630, the Board must review the proclamation of local emergency every 30 days and determine if there is a need for continuing the local emergency.

Discussion:

The Complex Fires began on Sunday, October 8, 2017. In response, the Emergency Operations Center (EOC) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, to assist with managing the impacts. In the early morning hours on Monday, the County issued advisory evacuation notices to various impacted areas of Sonoma County. Shelter was made available at various locations throughout the County, and first responders were actively engaged in multiple areas throughout the County as the complex fires' advanced.

The County Administrator/Director of Emergency Services issued a Proclamation of Existence of Local Emergency in Sonoma County Operational Area in the early morning hours of Monday, October 9, 2017, as soon as reports of quickly-moving fires and health and safety concerns arrived. Later that day, the County Administrator supplemented that Proclamation and requested state and federal assistance. The Board of Supervisors ratified the County Administrator's Proclamation of the Existence of a Local Emergency on October 10, 2017. California Government Code section 8630 of Article 14, Local Emergency, of Chapter 7 of the Emergency Services Act requires that the County review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency.

The scope of disaster caused by the fast-moving fire and widespread scale of the destruction instigated the Governor of the State of California to proclaim a State of Emergency (declaring eligibility for State assistance) and brought about the President of the United States to issue a Declaration of a Major Disaster for the State of California, making the Complex Fires eligible for Federal assistance. The Sonoma Complex Fires resulted in the most devastating wildfires in the history of the State of California. In Sonoma County alone, the fires caused the death of at least 24 people, charred 110,720 acres, destroyed 6,950 structures (including 5,300 housing structures), and displaced more than 100,000 Sonoma County residents.

The Sonoma Complex Fires left a large debris field in their wake, which creates unique removal concerns due to the potential presence of hazardous materials and the large scale of the incident and poses a threat to public health and safety. Debris cleanup has proceed via both public and private cleanup programs. The total number of properties included within the debris removal program was 4,888, including 3,674 properties that participated in the public-cleanup program, and 1,214 properties that participated in the private program.

Most properties are in the final stages of debris cleanup, however, approximately 721 properties have been evaluated by Cal OES for over-excavation and 341 determined eligible for backfilling.

The cleanup efforts in Sonoma County were aided by a relatively light rainy season. As long as the fire debris properties remain to be cleared on the ground, it poses an imminent and extensive threat to public health and safety, the environment (including creating serious concerns for water quality and supply due to the presence of hazardous materials and the damage to sewer service laterals), public infrastructure, and undamaged property.

Staff recommend that the Board adopt the attached Resolution finding that the severity and pervasiveness of the Sonoma Complex Fires disaster poses an ongoing and imminent threat to public safety and undamaged property that warrants the need to extend the local emergency as authorized by Government Code section 8630.

Prior Board Actions:

- September 25, 2018: Board adopted Resolution No. 18-0395 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires
- August 28, 2018: Board adopted Resolution No. 18-0337 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires
- August 7, 2018: Board adopted Resolution No. 18-0301 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

July 10, 2018: Board adopted Resolution No. 18-0266 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

June 11, 2018: Board adopted Resolution No. 18-0248 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

June 5, 2018: Board adopted Resolution No. 18-0224 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

May 8, 2018: Board adopted Resolution No. 18-0161 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

April 17, 2018: Board adopted Resolution No. 18-0131 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

March 20, 2018: Board adopted Resolution No. 18-0095 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

February 20, 2018: Board adopted Resolution No. 18-0068 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

February 13, 2018: Board adopted Resolution NO. 18-0056 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

January 23, 2018: Board adopted Resolution No. 18-0022 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

December 29, 2017: Board adopted Resolution No. 17-0515 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

December 5, 2017: Board adopted Resolution No. 17-0457 Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires

November 7, 2017: Board adopted Resolution Modifying Resolution No. 17-0839 To Comply With Federal Assistance Requirements and Declaring the Need For Continuing The Local Emergency Pursuant to Government Code Section 8630 Due To The Sonoma Complex Fires.

October 10, 2017: Board adopted Resolution No. 17-0389 ratifying the County Administrator’s proclamation of the existence of a local emergency with the Sonoma County Operation Area.

Strategic Plan Alignment	Goal 1: Safe, Healthy, and Caring Community

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Related Items “On File” with the Clerk of the Board:			



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**RESOLUTION OF BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA
DECLARING THE NEED FOR CONTINUING THE LOCAL EMERGENCY PURSUANT TO GOVERNMENT
CODE SECTION 8630 DUE TO THE SONOMA COMPLEX FIRES AND CONCURRENTLY EXTENDING THE
PROVISIONS OF CALIFORNIA PENAL CODE SECTION 396 PROHIBITING PRICE GOUGING IN TIMES
OF EMERGENCY FOR ANOTHER 30 DAYS**

WHEREAS, California Government Code section 8630 and Section 10.5, Chapter 10 of the Sonoma County Code, empowers the County Administrator to proclaim the existence of a local emergency when the county is affected or likely to be affected by a public calamity is subject to ratification by the Board of Supervisors at the earliest practicable time; and

WHEREAS, conditions of extreme peril to the safety of persons and property arose within the County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fires, commencing on or about midnight on the 8th day of October, 2017, at which time the Board of Supervisors of the County of Sonoma was not in session; and

WHEREAS, the County Administrator of the County of Sonoma did proclaim the existence of a local emergency within the Sonoma County Operational Area on the 9th day of October, 2017 and then made another proclamation with a request that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

WHEREAS, the scope of disaster caused by the fast-moving and widespread scope of the destruction of the fires, including loss of many homes and evacuation of thousands of people, caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs; and

WHEREAS, the Federal Government made a Presidential Declaration of the existence of a major disaster for the State of California (FEMA-4344-DR), dated October 10, 2017, and related determinations and amendments; and

WHEREAS, on October 10, 2017, the Board of Supervisors of the County of Sonoma adopted Resolution No. 17-0389 ratifying the County Administrator's Proclamations of the existence of a local emergency relating to the Sonoma Complex Fires; and

Resolution #

Date:

Page 2

WHEREAS, California Government Code section 8630 of Article 14, Local Emergency, of Chapter 7 of the Emergency Services Act requires that the County review the need for continuing the local emergency at least once every 30 days until the local governing body terminates the local emergency; and

WHEREAS, the Sonoma Complex Fires resulted in the most devastating wildfires in the history of the State of California, causing the death of at least 24 people, charring 110,720 acres, destroying 6,950 structures (including 5,300 housing structures), and displacing thousands of Sonoma County residents; and

WHEREAS, the Sonoma Complex Fires left a large debris field in their wake, creating unique removal concerns due to the potential presence of hazardous materials and the large scale of the incident; and

WHEREAS, the total number of properties included within the debris removal program is 4,888, including 3,674 properties that participated in the public cleanup program, and 1,214 properties that participated in the private program; and

WHEREAS, most properties are in the final stages of debris clean-up, however, approximately 721 properties were evaluated for over-excavation and 341 determined eligible for backfilling; and

WHEREAS, as long as the fire debris properties remain to be cleared on the ground, it poses an imminent and extensive threat to public health and safety, the environment (including creating serious concerns for water quality and supply due to the presence of hazardous materials and the damage to sewer service laterals), public infrastructure, and undamaged property; and

WHEREAS, due to the severity and pervasiveness of the Sonoma Complex Fires disaster, there is an ongoing and imminent threat to public safety and undamaged property that support the need to continue the local emergency.

NOW, THEREFORE, IT IS HEREBY DECLARED that the Board of Supervisors hereby finds there is an ongoing and imminent threat to public safety and undamaged property that warrant the need to extend the local emergency as authorized by Government Code section 8630; and

IT IS FURTHER PROCLAIMED AND ORDERED that the local emergency ratified by Resolution No. 17-0389, as previously amended and extended by Resolution No. 17-0431 on November 7, 2017, and subsequently extended for a further 30 days by Resolution No. 17-0457 on December 5, 2017, and for a further 30 days by Resolution No. 17-0515 on December 29, 2017, and for a further 30 days by resolution No.18-0022 on January 23, 2018, and for a further 30 days by resolution No.18-0056 on February 13, 2018, and for a further 30 days by resolution No.18-0068 on February 27, 2018, for a further 30 days by resolution No.18-0095 on March 20, 2018, and for a further 30 days by resolution No.18-0131 on April 17, 2018, and for a further 30 days by resolution No.18-0161 on May 8, 2018, and for a further 30 days by resolution No.18-0224 on June 5, 2018, and for a further 30 days by resolution No.18-0248 on June 11, 2018, and for a further 30 days by resolution No.18-0266 on July 10, 2018, and for a further 30 days by resolution No.18-0301 on August 7, 2018, and for a

Resolution #

Date:

Page 3

further 30 days by resolution No.18-0337 on August 28, 2018, , and for a further 30 days by resolution No.18-0395 on September 25, 2018 is hereby extended for another 30 days in accordance with Government Code section 8630 and shall continue in full force and effect as originally proclaimed by the County Administrator on October 9, 2017, and nothing contained herein shall be construed modify, invalidate, or otherwise affect any provision of said Proclamation of local emergency.

PASSED AND ADOPTED by the Board this 23rd day of October, 2018.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 14

(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Informational Only

Department or Agency Name(s): County Administrator's Office

Staff Name and Phone Number:

Michael Gossman, 565-2341

Supervisorial District(s):

Title: Recovery Update

Recommended Actions:

Receive an update on the status of recovery operations, planning, seeking of funding opportunities, community engagement and status of recovery framework, following the October 2017 Sonoma Complex Fires.

Executive Summary:

The aftermath of the October 2017 Sonoma Complex Fires presents ongoing risks to the residents, property, and environment of Sonoma County. Office of Recovery and Resiliency staff provides the Board regular updates on recovery efforts, including debris removal and other structural developments; external funding efforts; relevant legislation; ongoing community engagement; and status of the Recovery and Resiliency Framework being prepared by the Office.

Discussion:

In the early morning hours of October 9, 2017, County staff activated the Emergency Operations Center in response to the Sonoma Complex Fires, which burned 173 square miles and destroyed over 7,000 structures, including 5,300 homes. During the response phase, the County began planning for the recovery from the fires. On December 19, 2017, the Board of Supervisors established the Office of Recovery and Resiliency (Office) with the mission to develop a strategy that addresses the immediate and long-term recovery and resiliency efforts needed to help Sonoma County rebuild and recover from the wildfires. This Office continues to actively pursue recovery efforts, and to work with other County departments, agencies, and districts to assist Sonoma County residents in the process of rebuilding.

In an effort to keep the Board and community informed about the most current developments in the County's recovery efforts, the Office prepares a standing agenda item for each Board meeting, typically included on the consent calendar. Each update includes information on: (1) Ongoing Recovery Efforts

and Structural Changes; (2) Recovery Related External Funding Opportunities; (3) Legislative Update; and (4) highlights of activities on the horizon (Looking Forward). New items and updated counts and figures are in bold.

1. Ongoing Recovery Efforts and Structural Changes

A. Debris Removal

1. Debris removal is in the final stages for both the Government-Sponsored Program and the Alternative Program (private debris removal). About 25 percent of property owners who lost homes opted to use a private contractor for debris removal.
2. Government-Sponsored Program:
 - A. Properties cleared by Army Corps of Engineers: 3,674
 - B. All properties returned to owners by County to start rebuilding
3. Private Debris Removal:
 - A. County: 767 residential properties accepted; 737 certified as finished and ready to rebuild
 - B. City: 450 properties accepted; 439 finished and ready to rebuild
4. USACE Hotline:

The U.S. Army Corps of Engineers in May stopped accepting new debris removal complaints on its hotline for Sonoma County. The Office of Recovery & Resiliency has assumed the role of receiving new debris complaints at 707-565-1222.
5. **Over-Excavation Program:**

The California Office of Emergency Services is working with the City of Santa Rosa and County to address over-excavation issues that occurred as part of the Government-Sponsored Debris Removal Program. Cal OES is assessing properties. For properties that meet over-excavation criteria, the State's contractor will backfill to appropriate elevations. **As of October 16, 722 property owners have requested site assessments; 340 have been ruled eligible for program; 380 have been ruled ineligible; backfilling of 293 sites has been completed.** A variety of issues have impacted the pace of the project, including the discovery of structural ash, concrete footings, large pieces of concrete and large boulders that required removal prior to backfilling work.
6. **Hazardous tree removal**

On October 16, 2018, your Board approved a construction contract for removal of fire-damaged trees, stump grinding, pruning limbs and disposing of previously felled trees, located in the public right-of-way. County crews and contractors previously removed trees that posed an "imminent" threat to road use, and a professional arborist consultant identified trees to be removed as posing "extreme" or "high" risks along approximately 90 miles of roads in burned areas of the County. The Contractor and the Transportation & Public Works Department will notice the property owners adjacent to the "extreme" or "high" risk trees that will be removed by either mail or hand delivered letters, and social media. The work is expected to begin in December 2018.

The contract for the removal of trees within private property and affecting the road right-of-way is scheduled to be advertised in November 2018, potentially being awarded in January 2019 with work starting in March. Those dates are subject to change pending Right of Entry or bid issues.

B. Fire Cameras Installed

Two state-of-the-art fire cameras were installed and are operational in Sonoma and Lake counties through a partnership led by Sonoma Water. The first camera was installed on Pine Mountain in Cloverdale on July 27. On August 5, another camera was installed at Mount Konocti in Lake County. Cal Fire has used both cameras to assist in fighting fires. The two cameras are part of a pilot project approved for funding on August 7, 2018, by your Board to install a wider network of fire cameras that will monitor Lake Sonoma and surrounding areas. The public can monitor both cameras on the University of Nevada, Reno Seismological Laboratory website at www.alertwildfire.org/northbay/.

C. Emergency Alert & Warning Systems Tests

On September 10 and 12, the County conducted an alert and warning system exercise to evaluate our current emergency alert and warning systems. The tests involved SoCoAlert, the Federal Wireless Emergency Alert (WEA) system, and the Emergency Alert Systems (EAS).

1. The SoCoAlert system contacted those registered in the system as well as landline phone numbers in the 911 database – a total of 290,000 numbers were attempted. There was a 51% success rate for delivering a message to a person or an answering machine. SoCoAlert now has more than 50,000 subscribers.
2. The WEA alert was sent in English and Spanish to five geographical areas (Guerneville, Glen Ellen/Kenwood, Healdsburg, Penngrove, Roseland). Over 3,600 people who received the alert completed a survey, which highlighted limited geo targeting abilities and that the two major carriers (AT&T and Verizon) have different methods for distributing WEAs.
3. The EAS message played on local radio and television stations.

Staff will evaluate how County can improve the effectiveness of these systems including better data from the 911 database, and working with state and federal agencies to improve the targeting and reach of the telecommunications providers in the WEA system.

D. Renewal Enterprise District and Build/Rebuild Ad Hoc Update

The Renewal Enterprise District (RED) is a partnership between the County and City of Santa Rosa to provide financing and regulatory certainty for housing projects and supportive infrastructure within targeted development areas of Sonoma County. Both the Board of Supervisors and the City Council authorized moving forward with development of a Joint Powers Authority (JPA) to establish the RED.

RED seeks to regionalize housing production, pool and leverage financing and funding, share risks and benefits of development in new ways, streamline environmental review while providing confidence in good projects, and put equity, affordability and climate solutions in the center of our local economic strategies. RED will build on existing regional planning

efforts, and focus its regulatory and financial incentives on developments within locally designated employment investment and priority development areas.

E. Rebuilding Permits

1. County has issued **589 building permits for homes as of October 15; 234 permits are in process; 17 homes have been finished.** For latest numbers, go to <http://sonomacounty.ca.gov/PRMD/Administration/Rebuilding-Permits-Data/>
2. City of Santa Rosa has issued **972 building permits for homes as of October 15; 266 permits are in process; 28 homes have been finished.** For latest numbers, go to <https://www.srcity.org/2675/Rebuilding>

F. General Communications with Community Members

County staff is developing a protocol to more effectively communicate fire-related recovery information to fire survivors and the public. The protocol includes consultation with fire survivors.

2. Recovery-Related External Funding Opportunities

A. Disaster Recovery Consulting Services Agreement

On July 10, 2018, your Board authorized the County Administrator to execute the Agreement for Consulting Services with Horne, LLP (Consultant) for as-needed disaster recovery consulting services and grants management support. Your Board also authorized the County Administrator, or designee(s), to issue and execute Task Orders per disaster recovery funding stream, up to total amounts not to exceed those specified in the Agreement. The Office of Recovery and Resiliency is developing the first Task Orders for the following activities:

1. CDBG-DR General Pre-Award Activities (capacity assessment, unmet needs assessment, attend community meetings, meet with key leaders and staff, provide trainings, coordinate with State)
 2. FEMA PA general support as needed
- Consultant may assist with other recovery-related external funding needs as well.

B. Community Development Block Grant – Disaster Recovery

Announcement of \$212 million: On April 10, 2018, the U.S. Department of Housing and Urban Development (HUD) issued a press release stating that California would be receiving \$212 million to support long-term disaster recovery through the Community Development Block Grant – Disaster Recovery (CDBG-DR) program, including \$124 million for unmet disaster recovery needs, and \$88 million for preparedness and mitigation.

Requirements of \$124 million: The Federal Register governing the \$124 million portion for unmet disaster recovery needs was issued on August 20, 2018. At least 80% of the allocation (\$99 million) must address unmet disaster needs within the HUD-identified most impacted and distressed areas identified as: Sonoma and Ventura Counties, and zip codes 93108, 94558, 95422, 95470, and 95901. The California Department of Housing and Community Development (HCD), as Grantee and receiver of the funds, must submit an Action Plan to

HUD by December 18, 2018, detailing the proposed use of all funds. HCD must assess community impacts and unmet needs to guide the development and prioritization of planned recovery activities, of which 70% must be used to support activities benefitting low- and moderate- income persons. Funds must primarily address unmet housing needs.

Current Status: HCD held a public meeting on October 2, 2018, in Santa Rosa to introduce the draft action plan and receive initial comments. They are required to hold a public comment period for no less than 30 days before finalizing and submitting their Action Plan. HCD's current proposed plan includes a budget of \$47.6 million for an owner-occupied housing program, \$66.7 million for a multifamily housing program, \$3.5 million for a FEMA PA match program, and \$6.2 million for administration. The Office of Recovery and Resiliency and the Community Development Commission, along with other community partners, are continuing to collaborate with HCD regarding the proposed programs for the action plan to align eligible unmet needs found throughout the County with the ultimate use of the funds.

C. FEMA Hazard Mitigation Grant Program

Hazard Mitigation Grant Program (HMGP) for DR-4344 and DR-4353: The October 2017 fires are also known as DR-4344, and the December 2017 Southern California fires are known as DR-4353. Both became Presidential Disaster Declarations, and as a result they generated Federal Emergency Management Agency (FEMA) HMGP funding. DR-4344 had \$333 million in HMGP available statewide, with applications due July 2 and September 4. DR-4353 had \$56 million in HMGP available statewide, with applications due September 4. County Departments and Districts submitted 20 grant applications to the California Office of Emergency Services (Cal OES) for this program. The County's submitted HMGP applications are summarized below.

The countywide Grant Steering Committee worked with Departments and Districts to prioritize feasible grant applications based on success criteria, match funding sources, and leadership priorities. Each application competes against the others – even with the significant funding this is anticipated to be highly competitive. All Sonoma County applications will compete against one another. For those applications that did not move forward under FEMA HMGP, the Grant Steering Committee will seek appropriate alternative funding sources.

DR-4344 Round 1 HMGP Applications - Submitted on July 2

- 8 applications submitted
- \$17.4 million in total project costs (\$13.1 million in federal share, \$4.3 million in local match). \$500,000 in general fund match.
- Applications submitted by Community Development Commission (1), General Services (1), Sonoma County Water Agency (3), and Transportation and Public Works (3)

DR-4353 HMGP Applications – submitted on September 4

- 1 application submitted
- \$850,000 in total project cost (\$637,500 in federal share, \$212,500 in local match). \$212,500 in general fund match.
- Application submitted by Fire and Emergency Services (1)

DR-4344 Round 2 HMGP Applications – submitted on September 4

- 11 applications submitted
 - \$21.4 million in total project costs (\$16 million in federal share, \$5.4 million in local match). \$4.5 million in general fund match.
 - Applications submitted by Fire and Emergency Services (1), General Services (1), Information Systems Department (1), Regional Parks (1), Permit Sonoma (4), Sonoma Water (1), and Transportation and Public Works (2)

The next steps are for Cal OES to complete its review of the applications and determine which to submit to FEMA for review and final approval. All projects receiving HMGP funding must be completed within three years from the date of award.

HMGP for DR-4382: The 2018 wildfires in Lake and Shasta County have become known as DR-4382, and also became a Presidential Disaster Declaration. This opened up HMGP funding and Notices of Interest (NOI) were due October 5, 2018. The Information Systems Department submitted 4 NOIs, and Sonoma Water submitted one NOI.

D. FEMA Public Assistance

The Disaster Finance Team (consisting of participants from the Auditor-Controller Treasurer-Tax Collector, County Administrator’s Office, and County Counsel) is working with FEMA and Cal OES to claim reimbursement for response and recovery costs associated with the October 2017 fires, as well as repair/replacement costs for damages sustained to County property that are not covered by the County’s insurance policies. These claims are being submitted through the FEMA Public Assistance Program.

As of July 27, 2018, the Disaster Finance Team estimates the County’s total disaster related costs qualifying for FEMA’s Public Assistance Program will be approximately \$37M, of which we anticipate the County will be reimbursed approximately \$36M over the next 2 to 5 years. FEMA has obligated 13 of the 22 projects and the County has received \$9.1M in expedited reimbursement funding and \$246K for small permanent projects managed by Regional Parks and Transportation and Public Works.

E. Economic Development Administration – Disaster Supplemental Funding

Economic Development Administration (EDA) has an open funding opportunity to award grants to eligible entities to address economic challenges in disaster-impacted areas.

On August 24, 2018, the County’s Economic Development Board submitted a grant application to the EDA to complete the design/engineering for broadband in specific unserved rural areas of the County. This project was developed with the Office of Recovery and Resiliency, Department of Transportation and Public Works, and Information Systems Department. The submitted application is for \$605,500 to complete the design, engineering, and feasibility analysis of broadband in select locations.

Additional potential projects are being considered, including the following:

Project 1 - Revolving Loan Fund to provide credit to Sonoma County entrepreneurs traditionally excluded or denied loans from mainstream financial institutions.

Project 2 - Regional Construction and Trades Training Center.

Project 3 - AgTech Incubator for local agriculture and food/beverage manufacturing.

F. CAL FIRE Grants for Fire Prevention

The CAL FIRE Fire Prevention grant program, funded by the California Climate Investments (CCI) fund, aims to reduce the risk of wildland fires to habitable structures and communities, while maximizing carbon sequestration in healthy wildland habitat and minimizing the uncontrolled release of emissions by wildfires. CAL FIRE anticipates opening the Fire Prevention program for FY 18-19 applications on October 17, 2018, with applications due December 19. The Office of Recovery is tracking this opportunity and coordinating with applicable County Departments and partners to begin considering applications.

In Summer 2018 CAL FIRE opened the Fire Prevention program for FY 17-18; grant applications were due June 6, 2018. Two grants were submitted by County departments to the CAL FIRE Fire Prevention grant program:

1. Northwest Roadway Safety, Fuels Reduction, and Community Chipper and Engagement Project (Transportation and Public Works [TPW] is lead, in partnership with Fire and Emergency Services [FES] and Fire Safe Sonoma, Inc.)

a. Total: \$1,237,541; CAL FIRE \$1,082,969; Match: \$154,572

b. Match source: \$131,300 is from General Fund FY 2018 set aside; \$23,272 from in-kind volunteer labor tracked by Fire Safe Sonoma

2. Sonoma County Parks and Open Space Fire Resilience Planning (Regional Parks is lead, in partnership with Open Space District).

a. Total: \$593,537; CAL FIRE: \$511,920; Match: \$81,618

b. Match source: Open Space staff time

On August 3, 2018, CAL FIRE informed TPW that their Fire Prevention application was selected for funding. TPW and FES are partners on the project.

On August 8, 2018, CAL FIRE informed Regional Parks that their project was not selected for funding at this time.

G. Community Planning Assistance for Wildfire

The Community Planning Assistance for Wildfire (CPAW) program works with communities to reduce wildfire risk through improved land use planning. Applications were due October 5, 2018, and selected communities receive planning assistance at no cost. Permit Sonoma, Fire and Emergency Services, and the Office of Recovery and Resiliency worked together to submit an application. If awarded, the CPAW program would provide planning technical expertise throughout 2019 for our community's wildfire planning priorities. For examples of CPAW projects, go to <https://planningforwildfire.org/community-projects/>.

- H. California Department of Fish and Wildlife Proposition 1 and Proposition 68 funding
The California Department of Fish and Wildlife anticipates that it will solicit grant applications for projects related to climate resiliency, adaptation, wildfire watershed recovery, and other restoration priorities this Fall 2018. There will be two separate funding opportunities: Proposition 1 funding, and Proposition 68 funding.

- I. California Wildlife Conservation Board Proposition 68 funding
The California Wildlife Control Board anticipates that it will solicit grant applications for Proposition 68 funding in January 2019. They will seek projects related to climate resiliency, working landscapes, enhanced public access, biodiversity, and other State Wildlife Action Plan priorities. The Office of Recovery and Resiliency is also tracking this opportunity.

- J. CAL FIRE Grants for Forest Health
On October 1, 2018, CAL FIRE opened the grant solicitation period for the Forest Health Program. This program is funded through the California Climate Investments (CCI), and projects are sought that proactively restore forest health to reduce greenhouse gases, protect upper watersheds where the state's water supply originates, promote the long-term storage of carbon in forest trees and soils, minimize the loss of forest carbon from large, intense wildfires, and further the goals of the California Global Warming Solutions Act of 2006 (AB 32). The emphasis of the Forest Health Program is to increase the carbon stored in living trees and protect forests, fish and wildlife habitats, native plant species and water. This requires preventing epidemic tree mortality, protecting water quality in upper watersheds, and creating forests consisting of optimally spaced trees that are resilient to wildfire and tree mortality. Applications are due January 29, 2019. The Office of Recovery and Resiliency is coordinating with applicable County Departments and partners to consider projects.

- K. Coordinate other Recovery-Related Grant and External Funding Opportunities
The Office of Recovery and Resiliency is tracking, investigating, and coordinating other grant opportunities for recovery-related priorities as well. When new opportunities are announced, Grant Summaries and targeted information is provided to County Departments. A comprehensive list of recovery-related external funding opportunities is being developed within the County Administrator's Office, and the status of actions taken is being tracked.

3. Legislative Update

- A. Legislative Advocacy
The County continues to provide the State and Federal delegation members with updates on recovery. The State legislative session has concluded. Your board will receive a full end of session report on December 4, 2018. A list of fire recovery related bills is attached.

4. Looking Forward

A. Recovery and Resiliency Draft Framework

Your Board received and discussed the Draft Framework on September 25, 2018, and opened a 30-day public comment period on the document that ends October 26. The Draft Framework is available online at <https://sonomacounty.ca.gov/ORR/>. Print copies are available at the County Administrator’s Office at 575 Administration Drive, Suite 104A, Santa Rosa. Community members are encouraged to submit feedback and comments on the Draft Framework, as well as submit recovery related feedback, input, and questions, to recoveryinfo@sonoma-county.org. Additional information is available on the Office of Recovery website at <https://sonomacounty.ca.gov/ORR/>. For information on overall recovery efforts, visit www.sonomacountyrecovers.org

Community engagement: The Office used community engagement to gain feedback and input to inform the Draft Framework, including holding seven Recovery Planning Community Meetings to obtain public feedback and input on the Framework. Two forums were conducted in Spanish. The meetings were attended by 306 members of the public.

Timeline: The Recovery and Resiliency Framework will be brought to your Board in December 2018 for approval.

Prior Board Actions:

Regular Recovery updates have been provided to your Board since November 2017.

Strategic Plan Alignment Not Applicable

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
10-23-2018 CAO Recovery Update_Att A HMGP NOI 4344 10-23-2018 CAO Recovery Update_Att B HMGP NOI 4353 10-23-2018 CAO Recovery Update_Att C Fire Bills			
Related Items “On File” with the Clerk of the Board:			

Hazard Mitigation Grant Program (HMGP) Applications Submitted for Disaster Number DR-4344

Hazard Mitigation Area	Department	Project Title	Project description	Estimated Total Cost	Federal Share	Local Share	Local Share: General Fund		Status	Notes
							Y/N	Local Share Detail		
Flood	Community Development Commission	Sonoma County Flood Elevation Program	Elevate homes and provide other mitigation measures for properties on the NFIP repetitive loss list.	\$ 1,807,043	\$ 1,555,282	\$ 451,761	N	Property Owner Contribution	App Submitted 7/1/2018	
Fire	Fire and Emergency Services	Sonoma County Community Wildfire Protection Plan Update & LHMP Annexation	Update the existing Sonoma County Community Wildfire Protection Plan to reflect the post-2017 fire landscape in our county, and integrate and annex the CWPW with the Local Hazard Mitigation Plan, which is being updated concurrently.	\$ 200,000	\$ 150,000	\$ 50,000	Y	County General Fund	App Submitted 9/4/2018	
Fire	General Services	Fire Early Warning and Detection Camera System	Create a fire early warning camera system by installing fire monitoring cameras at strategic locations throughout the County, with associated microwave/lower systems with sufficient bandwidth. In partnership with City of Santa Rosa.	\$ 2,722,718	\$ 2,042,039	\$ 680,680	Y	County General Fund, City of Santa Rosa	App Submitted 9/4/2018	
All	General Services	Seismic upgrades for Petaluma Veterans Building	Retrofit Petaluma Veterans hall for Seismic Stability	\$ 1,993,367	\$ 1,495,025	\$ 498,342	Y	5425,808 in FY18-19 capital projects	App Submitted 7/1/2018	additional 5425,808 set aside in Capital Projects for FY18-19 (covers most of GF match)
All	Information System Department	Data Center Generator	Stand-alone generator project to protect County of Sonoma's datacenter that contain mission critical systems including emergency 911, computer aided dispatch, communications, and related public safety and emergency response systems.	\$ 622,180	\$ 466,635	\$ 155,545	Y	County General Fund	App Submitted 9/4/2018	
Flood	Regional Parks	Stabilizing and re-vegetation of Hood Mountain	Revegetate and stabilize soil in areas burned by the fire and damaged by fire suppression efforts such as bulldozer lines to prevent flooding, erosion, and debris flow that could damage resources.	\$ 310,813	\$ 233,110	\$ 77,703	Y	County General Fund	App Submitted 9/4/2018	
All	Permit Sonoma	Sonoma County Operational Area Multi-jurisdictional Local Hazard Mitigation Plan (LHMP) Update	Update the Sonoma County LHMP to incorporate better understanding of the wildfire, tsunami, and earthquake hazards including custom HAZUS models for each jurisdiction. County LHMP will become a multi-jurisdictional plan to include county districts and other jurisdictions that want to participate.	\$ 333,333	\$ 250,000	\$ 83,333	Y	County General Fund	App Submitted 9/4/2018	
Earthquake	Permit Sonoma	Surface fault rupture and seismic induced landslides analysis to Annex into Sonoma County LHMP	Planning project to increase understanding of Rodgers Creek Fault. Create hazard maps, and do site specific studies of the fault in newly identified areas. Planning and risk analysis conducted will be adopted and annexed into the Sonoma County LHMP.	\$ 200,000	\$ 150,000	\$ 50,000	Y	County General Fund	App Submitted 9/4/2018	
Earthquake	Permit Sonoma	Seismic Strengthening and Retrofit of Existing Structures, Sonoma Countywide	Retrofit critical facilities, unreinforced masonry, and if possible soft-structure buildings already identified in LHMP. This project will be a phased project.	\$ 6,677,777	\$ 5,000,000	\$ 1,677,777	Y	County General Fund, other state government agencies, and Property Owner	App Submitted 9/4/2018	State's Earthquake Brace & Bolt (EBB) program could potentially provide portion of match if this State program was expanded to include Sonoma
Fire	Permit Sonoma with Fire and Emergency Services	Wildfire Adapted Sonoma County: Education and Incentives for Safe and Resilient Sonoma County	Harden structures, create defensible space and create corridors to reduce risk of catastrophic wildfire. Reduce the potential for loss of lives, homes, businesses, and property in Sonoma County's WUI areas. Phased project.	\$ 6,677,777	\$ 5,000,000	\$ 1,677,777	Y	County General Fund, other state government agencies, and Property Owner	App Submitted 9/4/2018	Priority for Board. chance of future match from CAL FIRE if Fire Prevention grant pursued for this.
Flood, Earthquake	Sonoma Water	Ely Booster Station Hazard Mitigation Project	Mitigate flood and seismic hazards to the booster station by sealing electrical enclosures, elevating equipment, and anchoring equipment critical to the operation of the Booster Station. These actions would effectively provide protection against a 500 year flood event, and a magnitude 6.5 earthquake.	\$ 3,081,193	\$ 2,310,895	\$ 770,298	N	SCWA Water Transmission Fund	App Submitted 9/4/2018	
Flood	Sonoma Water	Improved Flood Early Warning Using Advanced Radar	Purchase and install X-Band radar to better predict flooding and provide for improved response.	\$ 2,666,700	\$ 2,000,025	\$ 666,675	N	(Available Special District Funds) SCWA, Marin	App Submitted 7/1/2018	
Earthquake	Sonoma Water, Russian River County Sanitation District	Seismic Rehabilitation and Retrofit of Secondary Treatment Clarifiers - RRCSO	Retrofit of facilities to reduce risk of system failure during an earthquake.	\$ 2,400,000	\$ 1,800,000	\$ 600,000	N	(Available Special District Funds) RRCSO Construction Fund	App Submitted 7/1/2018	
Earthquake	Sonoma Water, Sonoma Valley County Sanitation District	Seismic Rehabilitation and Retrofit of Secondary Treatment Clarifiers - SVCSO	Retrofit of facilities to reduce risk of system failure during an earthquake.	\$ 2,750,000	\$ 2,062,500	\$ 687,500	N	(Available Special District Funds) SVCSO Construction Fund	App Submitted 7/1/2018	
Flood	Transportation and Public Works	Culvert Improvements to Reduce Flooding	Upsize 2 culverts in sonoma county to a higher capacity to reduce flooding. Drake Rd - Guerneville (5th district)	\$ 355,000	\$ 266,250	\$ 88,750	Y	County General Fund	App Submitted 9/4/2018	
Flood	Transportation and Public Works	Russian River Flood Management & Fisheries Habitat Enhancement Planning.	Hydro-dynamic flow model for area of Russian river that is flood prone & impacts structures. From asti to alexander valley bridge (11 mi). High rates of sedimentation. Community meetings to identify hazards. Project is to create model that will allow for identifying mitigation actions that will reduce flood damage in project location.	\$ 200,000	\$ 150,000	\$ 50,000	N	TPW funds	App Submitted 9/4/2018	
All	Transportation and Public Works	Bank Stabilization to protect River Road	Protect the quickly-eroding bank of the Russian River along River Rd. using primarily natural materials in order to protect a vital transportation link, as well as residences and agricultural land.	\$ 5,092,220	\$ 3,819,165	\$ 1,273,055	N	SBI	App Submitted 7/1/2018	
All	Transportation and Public Works	Road Yard Generator	Purchase and install onsite generator for the Sonoma County Santa Rosa Road Maintenance Yard to prevent risk of service interruption	\$ 250,000	\$ 187,500	\$ 62,500	N	Roads Fund	App Submitted 7/1/2018	
All	Transportation and Public Works	Airport Generator	Purchase and installation of onsite generator for the Airport Terminal to allow operations for at least 4 days in the event of power outages.	\$ 480,000	\$ 360,000	\$ 120,000	N	Airport Enterprise Funds	App Submitted 7/1/2018	

TOTAL \$ 38,820,121.00
 General Fund Match Total - DR-4344 \$ 9,721,695.75
 \$ 5,039,907.00

Hazard Mitigation Grant Program (HMGP) Applications Submitted for Disaster Number DR-4353

Hazard Mitigation Area	Department	Project Title	Project description	Estimated Total Cost	Federal Share	Local Cost Share	Local Share: General Fund Y/N	Local Share Detail	Status
All	Fire and Emergency Services	Warning Sirens - System	Design and install warning sirens in selected locations. Develop operating, testing, and maintenance procedures. In partnership with City of SR.	\$850,000	\$637,500	\$212,500	Y	County General Fund, City of SR	App Submitted 9/4/2018
				TOTALS \$	850,000.00 \$	637,500.00 \$	212,500.00		

Fire Recovery

Bill ID/Topic	Location	Summary
<p>AB 579 Flora R</p> <p>Apprenticeship: fire protection: firefighter preapprenticeship program.</p>	<p>ASSEMBLY CHAPTERED 9/28/2017 - Approved by the Governor. Chaptered by Secretary of State - Chapter 344, Statutes of 2017.</p>	<p>Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards, which is within the Department of Industrial Relations, sponsored by specific entities and employers, and requires the Chief of the Division of Apprenticeship Standards to perform various functions with respect to apprenticeship programs and the welfare of apprentices. This bill would require the Division of Apprenticeship Standards, in collaboration with the California Firefighter Joint Apprenticeship Committee (CAL-JAC), to develop a statewide firefighter preapprenticeship program designed to recruit candidates from underrepresented groups. This bill would require the preapprenticeship program to meet specified objectives. This bill would also require CAL-JAC to deliver the pilot classes established by the preapprenticeship program using existing facilities and training models. This bill would require CAL-JAC to provide the program model to fire protection agencies, and would authorize a fire protection agency to then use that model and related resources to establish a local preapprenticeship program for recruiting candidates from underrepresented groups. This bill would reference an appropriation made in the Budget Act of 2017–18 to the division to establish the preapprenticeship program and would require the division to use those funds for specified purposes. This bill contains other related provisions. Last Amended on 7/10/2017</p>
<p>AB 1772 Aguiar-Curry D</p> <p>Fire insurance: indemnity.</p>	<p>ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 627, Statutes of 2018.</p>	<p>Existing law defines the measure of indemnity for a loss under an open fire insurance policy and specifies time limits under which an insured must collect the full replacement cost of the loss. In the event of a loss relating to a state of emergency, as defined, existing law establishes a minimum time limit of not less than 24 months from the date that the first payment toward the actual cash value is made during which the insured may collect the full replacement cost of the loss, subject to the policy limit, as specified. This bill would extend the minimum time limit during which an insured may collect the full replacement cost of a loss relating to a state of emergency to 36 months. The bill would require that additional extensions of 6 months be provided to policyholders for good cause under that circumstance. The bill would also require that policy forms issued by an insurer be in compliance with these changes on and after July 1, 2019. The bill would also make technical changes. This bill contains other related provisions. Last Amended on 8/24/2018</p>
<p>AB 1797 Levine D</p> <p>Residential property insurance.</p>	<p>ASSEMBLY CHAPTERED 8/27/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 205, Statutes of 2018.</p>	<p>Existing law requires a named insured on a residential property insurance policy be provided with a copy of the California Residential Property Insurance Disclosure which sets forth a description of certain types of insurance coverage, such as actual cash value coverage and guaranteed replacement cost coverage, as specified. Existing law also requires every California Residential Property Insurance Disclosure be accompanied by a California Residential Property Insurance Bill of Rights. This bill would require an insurer that provides replacement cost coverage to provide, on an every other year basis, at the time an offer to renew a policy of residential property insurance is made to the policyholder, an estimate of the cost necessary to rebuild or replace the insured structure that complies with specified existing regulations. The bill would exempt an insurer from this requirement if either the policyholder has requested, within the 2 years prior to the offer to renew the policy, and the insurer has provided, coverage limits greater than the previous limits that the policyholder had selected, or if the insurer has made specified offers to the policyholder. The bill would state its provisions are not intended to change existing law with respect to the duty of a policyholder or applicant to select the coverage limits for a policy of residential property insurance. The bill's provisions would become operative July 1, 2019. Last Amended on 6/19/2018</p>
<p>AB 1799 Levine D</p> <p>Insurance: policy documents.</p>	<p>ASSEMBLY CHAPTERED 7/9/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 69, Statutes of 2018.</p>	<p>Existing law requires an insurer, after a covered loss under a fire insurance policy, to provide the insured with a free copy of his or her policy within 30 calendar days of receiving a request from the insured, but allows the Insurance Commissioner to extend this period. Existing law also provides that an insured who does not experience a covered loss shall, upon request, be entitled to one free copy of his or her policy annually. This bill would specify that the copy of the policy provided shall be a complete copy of the policy in effect at the time of the loss and shall include the full policy, any endorsements to the policy, and the policy declarations page. The bill would authorize an</p>

		insurer that is not compliant with specified electronic document transmission requirements to provide a copy of the entire policy in electronic form if the covered loss is the result of a state of emergency and the electronic copy is requested by an insured who has not elected to receive electronic documents. The bill would require an insurer that is compliant with those requirements to provide an electronic copy of the entire policy if the same criteria are met. The bill would provide that request by an insured under these circumstances is not a request to receive future electronic communications. Last Amended on 4/12/2018
AB 1800 Levine D Fire insurance: indemnity.	ASSEMBLY CHAPTERED 9/21/2018 - Chaptered by Secretary of State - Chapter 628, Statutes of 2018.	Existing law defines the measure of indemnity for a loss under an open fire insurance policy and specifies time limits under which an insured must collect the full replacement cost of the loss. Existing law prohibits, in the event of a total loss of the insured structure, a fire insurance policy issued or delivered in the state from limiting or denying payment of the replacement cost of property if the insured decides to rebuild or replace the property at a location other than the insured premises. Existing law requires the measure of indemnity to be based upon the replacement cost of the insured property and prohibits it from being based upon the cost to repair, rebuild, or replace at a location other than the insured premises. This bill would instead prohibit, in the event of a total loss of an insured structure, a fire insurance policy issued or delivered in this state from containing a provision that limits or denies, on the basis that the insured has decided to rebuild at a new location or to purchase an already built home at a new location, payment of the building code upgrade cost or the replacement cost, including any extended replacement cost coverage, to the extent those costs are otherwise covered by the terms of the policy or any policy endorsement. The bill would prohibit the measure of indemnity from exceeding, rather than requiring it to be based upon, the replacement cost, as specified. The bill would require all policy forms issued or renewed on and after July 1, 2019, to contain these provisions. This bill contains other related provisions. Last Amended on 8/24/2018
AB 1875 Wood D Residential property insurance.	ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 629, Statutes of 2018.	Existing law generally regulates classes of insurance, including residential property insurance. Under existing law, the California FAIR (fair access to insurance requirements) Plan Association, a joint reinsurance association in which all insurers licensed to write basic property insurance participate, administers a program for the equitable apportionment of basic property insurance for persons who are unable to obtain that coverage through normal channels. Existing law requires the association to establish and maintain an Internet Web site and a toll-free telephone number through which a person may receive assistance in applying for basic property insurance. Existing law requires an insurer member of the plan to provide the Internet Web site address and toll-free telephone number to an applicant who is denied coverage. This bill would require the Department of Insurance to establish the California Home Insurance Finder on its Internet Web site to help homeowners connect with an insurance agent or broker for residential property insurance. The bill would require the department to annually survey agents, brokers, and insurers about inclusion in the finder, and post participants' names, addresses, phone numbers, and Internet Web sites, if available, to the finder on or before July 1, 2020. The bill would require the commissioner to use social media and other tools to promote the finder, and to create materials in the most common languages used in California. The bill would require an insurer to disclose specified information to an applicant who is denied coverage or a policyholder whose policy is canceled or not renewed, including, on or after July 1, 2020, information about the finder. The bill would require specified information, including the Internet Web site address of the department's Homeowners Coverage Comparison Tool, to be disclosed on or after July 1, 2020, upon an offer of a policy of residential property insurance if specified conditions are met. The bill would require a residential property insurer to notify the department on or before February 1 of each year of the amount of extended replacement cost coverage it offers in California, if the amount is different from that of the previous year, and would require the department to use this information to annually update the Homeowners Coverage Comparison Tool. Last Amended on 8/24/2018
AB 1877 Limón D	ASSEMBLY CHAPTERED 9/21/2018 - Chaptered by	The California Emergency Services Act establishes the Office of Emergency Services within the Governor's office under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies.

Office of Emergency Services: communications: notifications: translation.	Secretary of State - Chapter 630, Statutes of 2018.	Existing law requires the Governor to coordinate a State Emergency Plan, which is in effect in each political subdivision of the state, and requires the governing body of each political subdivision, as defined, to take actions necessary to carry out the provisions of that plan. This bill would require the Office of Emergency Services to create a library of translated emergency notifications and a translation style guide, as specified, and would require designated alerting authorities, as defined, to consider using the library and translation style guide that may be used by designated alerting authorities when issuing emergency notifications to the public. The bill would authorize the office to require a city, county, or city and county to translate emergency notifications as a condition of approving its application to receive any voluntary grant funds with a nexus to emergency management performance. Last Amended on 8/24/2018
<u>AB 1919</u> <u>Wood D</u> Price gouging: state of emergency.	ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 631, Statutes of 2018.	Under existing law, upon the proclamation of a state of emergency, as defined, declared by the President of the United States or the Governor, or upon the declaration of a local emergency, as defined, by the executive officer of any county, city, or city and county, and for a period of 30 days following that declaration, it is a misdemeanor with specified penalties for a person, contractor, business, or other entity to sell or offer to sell certain goods and services, including housing, for a price that exceeds by 10% the price charged by that person immediately prior to the proclamation of emergency, except as specified. Existing law, the California Emergency Services Act, establishes the Office of Emergency Services and vests the office with responsibility for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, as specified. This bill would additionally, upon the proclamation or declaration of an emergency as described above, make it a misdemeanor for a person, business, or other entity to increase the rental price, as defined, advertised, offered, or charged for housing to an existing or prospective tenant by more than 10%. The bill would extend the prohibition with regards to housing for any period that the proclamation or declaration is extended. The bill would additionally make it a misdemeanor for a person, business, or entity to evict a housing tenant after the proclamation of a state of emergency and then rent or offer to rent to another person at a rental price higher than the evicted tenant could be charged. By creating a new crime, this bill would create a state-mandated local program. The bill would require the Office of Emergency Services, upon the proclamation of an emergency by the Governor, to include information about these provisions and guidance to property owners, as specified, on an appropriate Internet Web site. This bill contains other related provisions and other existing laws. Last Amended on 8/17/2018
<u>AB 1928</u> <u>McCarty D</u> California Conservation Corps: contracts.	ASSEMBLY CHAPTERED 9/5/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 253, Statutes of 2018.	Existing legislative findings and declarations state that the California Conservation Corps offers California a unique opportunity to meet both the goal of increasing understanding and appreciation of the environment and the goal of helping youths become productive adults. Existing law provides that the Legislature reaffirms its intent that the corps' mission includes increasing awareness of and improving our natural resources, and instilling basic skills and a healthy work ethic in California youth, building their character, self-esteem, and self-discipline, and establishing within them a strong sense of civic responsibility and understanding of the value of a day's work for a day's wages. This bill would authorize the California Conservation Corps, until January 1, 2024, to enter into a contract with an individual or collective of certified community conservation corps for a specified type of project or program that is in furtherance of those legislative findings and declarations. The bill would authorize the Director of the California Conservation Corps to establish guidelines for these purposes and would require these contracts to adhere to any established guidelines. The bill would require the California Conservation Corps to file a report on the success of any such program or project with the Legislature before January 1, 2023. Last Amended on 8/15/2018
<u>AB 1954</u> <u>Patterson R</u> Timber harvest plans:	ASSEMBLY CHAPTERED 8/27/2018 - Approved by the Governor. Chaptered by	The Z'berg-Nejedly Forest Practices Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities, including a person engaged in forest management whose activities are limited to the cutting or removal of trees on the person's

<p>exemption: reducing flammable materials.</p>	<p>Secretary of State - Chapter 207, Statutes of 2018.</p>	<p>property in compliance with existing laws relating to defensible space, as provided, and requires the board to adopt regulations to implement this exemption no later than January 1, 2016. Existing law requires the department evaluate the effects of this exemption and report its recommendations to the Legislature based on that evaluation, as provided. Existing law makes the exemption inoperative 3 years after the effective date of regulations adopted by the board or no later than January 1, 2019. This bill would extend the inoperative date to January 1, 2022, and would delete the reporting requirement. Last Amended on 4/16/2018</p>
<p><u>AB 1956</u> <u>Limón D</u> Fire prevention activities: local assistance grant program.</p>	<p>ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 632, Statutes of 2018.</p>	<p>Existing law requires the Director of Forestry and Fire Protection to establish a working group, consisting of specified members, to identify potential incentives for landowners to implement prefire activities, as defined, in state responsibility areas and urban wildland communities and to identify all federal, state, or local programs, private programs, and any other programs requiring a cost share that involves prefire activities. This bill would repeal this law. This bill contains other related provisions and other existing laws. Last Amended on 8/23/2018</p>
<p><u>AB 2091</u> <u>Grayson D</u> Fire prevention: prescribed burns: insurance pool.</p>	<p>ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 634, Statutes of 2018.</p>	<p>Existing law authorizes a person, firm, or corporation, or a group or combination of persons, firms, corporations, or groups, that owns or controls brush-covered land, forest lands, woodland, grassland, shrubland, or any combination thereof within a state responsibility area to apply to the Department of Forestry and Fire Protection for permission to utilize a prescribed burning for specified public purposes. The Governor has issued an executive order relating to, among other subjects, the streamlining of permitting for landowner-initiated projects for the improvement of forest health and the reduction of forest-fire fuels on their properties. Pursuant to this executive order, a Forest Management Task Force involving specified state agencies has been convened. This bill would express the intent of the Legislature to enact legislation to increase the pace and scale of the use of prescribed fire and to reduce barriers for conducting prescribed burns. The bill would require the Forest Management Task Force or its successor entity, on or before January 1, 2020, and in coordination with the Department of Insurance, to develop recommendations for the implementation of an insurance pool or other mechanism for prescribed burn managers that reduces the cost of conducting prescribed fire while maintaining adequate liability protection for lives and property when conducting prescribed burns. Last Amended on 8/24/2018</p>
<p><u>AB 2126</u> <u>Eggman D</u> California Conservation Corps: forestry corps program.</p>	<p>ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 635, Statutes of 2018.</p>	<p>Existing law establishes the California Conservation Corps in the Natural Resources Agency and requires the corps to implement and administer the conservation corps program. Existing law requires the Governor to appoint a director to act as the administrative officer of the corps. Existing law authorizes the director to employ special corps members without regard to their ages so that the corps may draw upon their special skills that may contribute to the attainment of the objectives of the program. Existing law provides that these special members may be assigned to headquarters, as well as field positions. This bill would require the director, no later than July 1, 2019, to establish a forestry corps program to accomplish certain objectives including developing and implementing forest health projects, as provided, and establishing forestry corps crews. The bill would require the director to partner with certified community conservation corps in implementing the forestry corps program, where feasible. The bill would require the director, no later than January 1, 2020, to establish 4 forestry corps crews, one to be based in the Central Valley, one in the Inland Empire, and 2 to be based in either a state responsibility area or a very high hazard fire zone, as specified. This bill contains other related provisions. Last Amended on 8/24/2018</p>
<p><u>AB 2229</u> <u>Wood D</u> Residential property insurance: disclosures.</p>	<p>ASSEMBLY CHAPTERED 7/9/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 75, Statutes of 2018.</p>	<p>Existing law requires a named insured on a residential property insurance policy be provided with a copy of the California Residential Property Insurance Disclosure, which sets forth a description of certain types of insurance coverage, such as actual cash value coverage and guaranteed replacement cost coverage. Existing law also requires every California Residential Property Insurance Disclosure be accompanied by a California Residential Property Insurance Bill of Rights. This bill would require a California Residential Property Insurance Disclosure that is provided on and after January 1, 2020, to include any fire safety-related discounts offered by the insurer. Last Amended on 4/12/2018</p>

<p><u>AB 2238</u> <u>Aguiar-Curry D</u></p> <p>Local agency formation: regional housing need allocation: fire hazards: local health emergencies: hazardous and medical waste.</p>	<p>ASSEMBLY CHAPTERED 9/30/2018 - Signed by the Governor</p>	<p>(1)Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization of cities and districts. The act specifies the factors that a local agency formation commission is required to consider in the review of a proposal for a change of organization or reorganization, including, among other things, per capita assessed valuation and the proposal’s consistency with city or county general and specific plans.This bill would instead require the commission to consider the assessed valuation rather than per capita assessed valuation. The bill would additionally require the commission to consider information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area if it is determined that such information is relevant to the area that is the subject of the proposal. By adding to the duties of local agency formation commissions in reviewing a change of organization or reorganization, this bill would impose a state-mandated local program.This bill contains other related provisions and other existing laws. Last Amended on 8/24/2018</p>
<p><u>AB 2252</u> <u>Limón D</u></p> <p>State grants: state grant administrator.</p>	<p>ASSEMBLY CHAPTERED 9/10/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 318, Statutes of 2018.</p>	<p>The Grant Information Act of 1999 authorizes state agencies to make available on the Internet a listing, of all grants administered by that agency, that includes specified information and provides instructions on filing grant applications electronically, or on the manner in which to download, complete, and mail grant applications to the state agency, or both. The act also authorizes each state agency to make available on the Internet any printed grant application form used by the agency to award grants that are administered by that agency.This bill would, instead, enact the Grant Information Act of 2018. The bill would require the California State Library, on or before July 1, 2020, to create a funding opportunities Internet Web portal that provides a centralized location for grant seekers to find state grant opportunities. The bill would additionally require each state agency, on or before July 1, 2020, to register every grant the state agency administers with the California State Library prior to commencing a solicitation or award process for distribution of the grant, as specified. The bill would require each state agency, on or before July 1, 2020, to provide for the acceptance of electronic applications for any grant administered by the state agency, as appropriate. The bill would additionally require the California State Library to create an annual report to the Legislature relating to the effectiveness of the Internet Web portal, as specified. Last Amended on 8/17/2018</p>
<p><u>AB 2380</u> <u>Aguiar-Curry D</u></p> <p>Fire protection: privately contracted private fire prevention resources.</p>	<p>ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 636, Statutes of 2018.</p>	<p>Existing law provides that fire companies in unincorporated and incorporated towns may be organized, as provided, and be subject to specified provisions and requirements. Existing law provides that the city council of an incorporated city may, by ordinance, regulate the formation and continued existence of fire companies providing service within its city. Existing law establishes in state government, within the office of the Governor, the Office of Emergency Services. Existing law requires the office to be responsible for the state’s emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. Existing law, the FIRESCOPE Act of 1989, requires the office to establish and administer a program, known as the FIRESCOPE Program, to maintain and enhance the efficiency and effectiveness of managing multiagency firefighting resources in responding to an incident.This bill would require the office, in collaboration with the Department of Forestry and Fire Protection and the board of directors of the FIRESCOPE Program, to develop standards and regulations for any privately contracted private fire prevention resources operating during an active fire incident in the state, as provided, and to develop regulations to govern the use of equipment used by privately contracted private fire prevention resources during an active fire incident, as provided. Last Amended on 8/28/2018</p>
<p><u>AB 2518</u> <u>Aguiar-Curry D</u></p>	<p>ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by</p>	<p>Existing law establishes the Department of Forestry and Fire Protection in the Natural Resources Agency. Existing law declares that a thriving in-state forest products sector provides public benefits, including employment opportunities in both rural and urban areas, and economic development for rural communities. Existing law requires</p>

<p>Innovative forest products and mass timber.</p>	<p>Secretary of State - Chapter 637, Statutes of 2018.</p>	<p>the Secretary of the Natural Resources Agency to establish a working group on expanding wood product markets, as provided. This bill would require, on or before January 31, 2020, the department, in consultation with the State Board of Forestry and Fire Protection, to identify barriers to in-state production of mass timber and other innovative forest products, as those terms are defined, and develop solutions that are consistent with the state's climate objectives on forest lands. The bill would require the department to collaborate with the working group described above, other state agencies, and independent experts, including with apprenticeship programs of organized labor, community colleges, and others with similar expertise, on innovative forest products and mass timber workforce training and job creation. This bill contains other related provisions. Last Amended on 8/24/2018</p>
<p><u>AB 2551</u> <u>Wood D</u> Forestry and fire prevention: joint prescribed burning operations: watersheds.</p>	<p>ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 638, Statutes of 2018.</p>	<p>Existing law requires the Department of Forestry and Fire Protection to implement various fire prevention programs intended to protect forest resources and prevent uncontrolled wildfires. This bill would instead authorize the director to enter into those agreements with small nonindustrial landowners, as defined. The bill would delete the term and interest rate requirements relating to these loans and instead require the director to establish reasonable terms relating to the length of, and the interest rate for, the loans. The bill would also authorize the director to provide the director's share of the costs described above in advance of any performed work if the eligible landowner agrees in writing to undertake the forest resource improvement work and agrees to the condition that any funds provided for uncompleted work shall constitute grounds for a claim and lien upon the real property owned by the landowner, as provided. The bill would require any money recovered from the lien to be deposited into the fund. This bill contains other related provisions and other existing laws. Last Amended on 8/24/2018</p>
<p><u>AB 2576</u> <u>Aguiar-Curry D</u> Emergencies: health care.</p>	<p>ASSEMBLY CHAPTERED 9/23/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 716, Statutes of 2018.</p>	<p>(1) Existing law, the California Emergency Services Act, authorizes the Governor to proclaim a state of emergency, and local officials and local governments to proclaim a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency. Existing law authorizes the Governor, during a state of emergency, to direct all state agencies to utilize and employ state personnel, equipment, and facilities to perform activities that are designed to prevent or alleviate actual and threatened damage due to that emergency. Existing law authorizes a state agency so directed to expend any of the moneys that have been appropriated to it in order to perform that activity. This bill would authorize the Governor, during a state of emergency, to direct all state agencies to utilize, employ, and direct state personnel, equipment, and facilities for the performance of any and all activities that are designed to allow community clinics and health centers to provide and receive reimbursement for services provided during or immediately following the emergency. The bill would authorize any agency directed by the Governor to perform those activities to expend any of the moneys that have been appropriated to it in order to perform those activities, irrespective of the particular purpose for which the moneys were originally appropriated. This bill contains other related provisions and other existing laws. Last Amended on 8/24/2018</p>
<p><u>AB 2594</u> <u>Friedman D</u> Fire insurance.</p>	<p>ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 639, Statutes of 2018.</p>	<p>Existing law generally regulates fire insurance and county mutual fire insurers. Existing law prescribes the standard form for a fire insurance policy or county fire insurance policy. Existing law imposes a 12-month statute of limitations in which to bring suit under a fire insurance policy or a county fire insurance policy after a loss. Existing law makes it a misdemeanor for an insurer or agent to countersign or issue a fire policy that varies from the California standard form of policy. This bill would revise the standard forms of policy and extend the period in which to bring suit to 24 months after the inception of the loss if the loss is related to a state of emergency, as specified. By expanding the scope of an existing crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Last Amended on 8/6/2018</p>
<p><u>AB 2687</u> <u>Quirk-Silva D</u> Office of Small Business.</p>	<p>ASSEMBLY CHAPTERED 9/5/2018 - Approved by the Governor. Chaptered by</p>	<p>Existing law establishes the Office of Small Business Advocate within the Governor's Office of Business and Economic Development, also known as GO-Biz, and prescribes the duties and functions of the Small Business Advocate, who is also the Director of the Office of Small Business Advocate. Among these duties, the director is to serve as the principal advocate in the state on behalf of small businesses and to represent the views and interests of</p>

	Secretary of State - Chapter 266, Statutes of 2018.	small businesses before other state agencies policies and activities of which may affect small businesses. This bill would require the Small Business Advocate to collaborate with the Office of Small Business and Disabled Veteran Business Enterprise Services in their activities under the Small Business Procurement Act and to post a variety of information related to small business activities on the GO-Biz Internet Web site or the advocate's Internet Web site. Among other things, the bill would require the advocate to be prepared for designation by the Office of Emergency Services to serve as an official liaison between small businesses impacted by a state of emergency and other government and nonprofit service providers and to assist in the state emergency recovery, response, and preparedness efforts related to small businesses. The bill would eliminate the duty of the Office of Small Business Advocate to post information on its Internet Web site regarding small business financial development and the efficient use of energy, as specified. Last Amended on 6/7/2018
<u>AB 2889</u> <u>Caballero D</u> Timber harvesting plans: guidance and assistance.	ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 640, Statutes of 2018.	Existing law prohibits a person, as defined, from conducting timber operations, as defined, unless a timber harvesting plan that meets specified requirements and is prepared by a professional forester for those operations has been submitted to the Department of Forestry and Fire Protection. Existing law requires the department to review, approve, or require the modification of, timber harvesting plans in accordance with prescribed procedures. This bill would require the department to provide guidance and assistance to ensure the uniform and efficient implementation of processes and procedures regulating the filing, review, approval, required modification, completion, and appeal of decisions relating to timber harvesting plans, as provided. The bill would also require the department to issue guidance to achieve greater timber harvesting plan review accuracy and efficiency and to avoid duplication of efforts, as provided. Last Amended on 4/30/2018
<u>AB 2898</u> <u>Gloria D</u> Emergency services: local emergencies.	ASSEMBLY CHAPTERED 9/14/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 395, Statutes of 2018.	Existing law, the California Emergency Services Act, establishes the Office of Emergency Services and vests the office with responsibility for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, as specified. The act also prescribes a process for the declaration of a local emergency and permits a local emergency to be proclaimed only by the governing body of a city or county or by an official designated by ordinance adopted by that governing body. Existing law requires the governing body to review the need for continuing the local emergency at least once every 30 days until the governing body terminates the local emergency. This bill would instead require review of a local emergency by the governing body, as described above, to occur at least once every 60 days. This bill contains other related provisions. Last Amended on 8/8/2018
<u>AB 2911</u> <u>Friedman D</u> Fire safety.	ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 641, Statutes of 2018.	(1) Existing law requires a local agency to designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the Director of Forestry and Fire Protection and exempts a local agency, as defined, from that requirement if ordinances of the local agency, adopted on or before December 31, 1992, impose standards that are equivalent to, or more restrictive than, specified state standards. Existing law authorizes a local agency, at its discretion, to exclude from specified requirements governing fire risk reduction an area identified as a very high fire hazard severity zone by the director within the jurisdiction of the local agency, following a specified finding supported by substantial evidence that those requirements are not necessary for effective fire protection within the area. This bill would eliminate the above-described exemption and exclusion and would require a local agency to transmit a copy of any ordinance adopted pursuant to these provisions to the State Board of Forestry and Fire Protection within 30 days of adoption. By imposing new responsibilities on local agencies with regard to the adoption of fire safety ordinances, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Last Amended on 8/24/2018
<u>AB 2915</u> <u>Caballero D</u>	ASSEMBLY CHAPTERED 9/23/2018 - Approved by the Governor. Chaptered by	Existing law, the California Workforce Innovation and Opportunity Act, establishes the California Workforce Development Board as the body responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system and the alignment of the education and

<p>Workforce development boards: mutual disaster aid assistance: memorandum of understanding.</p>	<p>Secretary of State - Chapter 722, Statutes of 2018.</p>	<p>workforce investment systems to the needs of the 21st century economy and workforce. That act prescribes specific tasks with which the board assists the Governor, including the development and updating of comprehensive state performance accountability measures, to assess the effectiveness of the core programs in the state as required under specific federal law. That act also requires the establishment of a local workforce development board in each local workforce development area of the state to, among other things, develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities. The bill would require, by July 1, 2020, the California Workforce Development Board to develop, in conjunction with the Employment Development Department and with input from local workforce development boards, a policy regarding mutual aid agreements between and among local workforce development boards to enable them to effectively respond to disasters and that is consistent with applicable state and federal law. Last Amended on 6/21/2018</p>
<p><u>AB 2941</u> <u>Berman D</u> Health care coverage: state of emergency.</p>	<p>ASSEMBLY CHAPTERED 8/24/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 196, Statutes of 2018.</p>	<p>Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires the Department of Managed Health Care and the Insurance Commissioner to adopt regulations to ensure enrollees and insureds have access to needed health care services in a timely manner, and requires a health care service plan contract or health insurance policy to provide information to an enrollee or insured regarding the standards for timely access to care. This bill would require a health care service plan or health insurer to provide its enrollees or insureds who have been displaced by a state of emergency, as defined, access to medically necessary health care services, as specified. The bill would require a health care service plan or health insurer, within 48 hours of a declaration of emergency by the Governor that displaces or has the immediate potential to displace enrollees or insureds, to file a notification with the appropriate department, containing specified information regarding how the plan or insurer is addressing the needs of its enrollees or insureds during the state of emergency. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Last Amended on 6/19/2018</p>
<p><u>AB 2990</u> <u>Low D</u> Public postsecondary education: exemption from tuition and fees for qualifying survivors of deceased public safety and fire suppression personnel: notice.</p>	<p>ASSEMBLY CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State - Chapter 642, Statutes of 2018.</p>	<p>(1) Existing law prohibits the Board of Directors of the Hastings College of the Law, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and, if they adopt an appropriate resolution, the Regents of the University of California, from collecting mandatory systemwide tuition and fees from any surviving spouse or surviving child of a deceased person who was a resident of the state and employed by or contracting with a public agency, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who died as a result of his or her duties, as specified. This bill would require the Hastings College of Law, and each campus of the California Community Colleges and the California State University that has an Internet Web site, and, in the event that the regents adopt an appropriate resolution, each campus of the University of California that has an Internet Web site, to provide an online posting or notice of systemwide fee or tuition waivers available to students pursuant to the provision described above. The bill would require that the online posting or notice be accessible through a prominent direct link to an application for a waiver of the systemwide fee or tuition, that the direct link appear on the primary Web page of the financial aid section of the campus Web site, and that the direct link be accompanied by a description of eligibility requirements for the waiver of the systemwide fee or tuition, as specified. This bill contains other related provisions and other existing laws. Last Amended on 4/5/2018</p>
<p><u>AB 3257</u> Committee on Natural Resources</p>	<p>ASSEMBLY CHAPTERED 9/11/2018 - Approved by the Governor. Chaptered by</p>	<p>(1) Existing law, the Surface Mining and Reclamation Act of 1975, prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a permit is obtained from, a specified reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency, as defined, for the operation of the surface mining operation. The act requires that the State Mining and</p>

Natural resources.	Secretary of State - Chapter 349, Statutes of 2018.	Geology Board submit to the Legislature each year a report on the actions taken under the act during the preceding fiscal year, and requires the Division of Mine Reclamation in the Department of Conservation, at a minimum, to quarterly publish in the California Regulatory Notice Register, or otherwise make available upon request to the Department of General Services or any other state or local agency, a list identifying specified information pertaining to surface mining operations for which a report is required. This bill would revise the information to be included in that list, and would require identification of all surface mining operations subject to the act that are reporting as newly permitted, active, or idle. This bill contains other related provisions and other existing laws. Last Amended on 8/23/2018
SB 302 Mendoza D Joint powers agencies: Orange County Fire Authority: funds.	SENATE CHAPTERED 10/14/2017 - Approved by the Governor. Chaptered by Secretary of State. Chapter 807, Statutes of 2017.	Existing law requires property tax revenues of the County of Orange that are allocated by that county to a joint powers authority formed for the purpose of providing fire protection to be used by that authority for fire protection purposes, as defined. Existing law authorizes a local agency to transfer any portion of its property tax revenues that is allocable to one or more tax rate areas within the local agency to one or more other local agencies that have the same tax rate areas, as specified, subject to specified conditions, including that the transfer will not impair the ability of the transferring agency to provide existing services. This bill would additionally require, with regard to transfers of structural fire fund property tax revenues allocated by the County of Orange to a joint powers agency and required by existing law to be used to provide fire protection, that the transfer be approved by the county, a majority of member cities, and the agency currently receiving the funds. This bill contains other related provisions. Last Amended on 7/3/2017
SB 465 Jackson D Property Assessed Clean Energy Program: wildfire safety improvements.	SENATE CHAPTERED 9/27/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 837, Statutes of 2018.	Existing law, known commonly as the Property Assessed Clean Energy (PACE) program, authorizes a public agency, by making specified findings, to authorize public agency officials and property owners to enter into voluntary contractual assessments to finance the installation of distributed generation renewable energy sources or energy or water efficiency improvements that are permanently fixed to real property. This bill would, until January 1, 2029, enact the Wildfire Safety Finance Act, which would expand these provisions to also authorize a legislative body that has accepted the designation of Very High Fire Hazard Severity Zone to designate an area for contractual assessments to finance the installation of wildfire safety improvements that are permanently fixed to real property, in accordance with specified procedures and requirements that are similar to requirements that apply to the PACE program under existing law. The bill would define "public agency," for purposes of financing the installation of wildfire safety improvements, to mean a city, county, or city and county. The bill would make conforming changes in the CFL, the Mello-Roos Community Facilities Act of 1982, and other related laws to that effect. This bill contains other related provisions and other existing laws. Last Amended on 8/27/2018
SB 821 Jackson D Emergency notification: county jurisdictions.	SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 615, Statutes of 2018.	The California Emergency Services Act establishes the Office of Emergency Services in the office of the Governor and provides that the office is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. This bill would authorize each county, including a city and county, to enter into an agreement to access the contact information of resident account holders through the records of a public utility or other agency responsible for water service, waste and recycling services, or other property-related services for the sole purpose of enrolling county residents in a county-operated public emergency warning system. The bill would require any county that enters into such an agreement to include procedures to enable any resident to opt out of the warning system and a process to terminate the receiving agency's access to the resident's contact information. The bill would prohibit the use of the information gathered for any purpose other than for emergency notification. This bill contains other existing laws. Last Amended on 8/23/2018
SB 824 Lara D	SENATE CHAPTERED 9/21/2018 - Approved by the	(1) Existing law requires an insurer to comply with certain procedures relating to the cancellation of insurance policies, except as specified, in the case of a total loss to the primary insured structure under a residential policy.

<p>Insurers: declared disaster: homeowners' insurance policies.</p>	<p>Governor. Chaptered by Secretary of State. Chapter 616, Statutes of 2018.</p>	<p>Among other requirements, an insurer may not cancel coverage while the primary insured structure is being rebuilt, as specified, nor use the fact that the primary insured structure is in damaged condition as a result of the total loss as the sole basis for a decision to cancel the policy, and must offer, at least once, to renew the policy, as specified, if the total loss to the primary insured structure was caused by a disaster. This bill would prohibit, subject to certain exceptions, an insurer from canceling or refusing to renew a policy of residential property insurance for one year after the declaration of a state of emergency based solely on the fact that the insured structure is located in an area in which a wildfire has occurred, with respect to an insured property located within or adjacent to the fire perimeter, as specified. This bill contains other related provisions and other existing laws. Last Amended on 8/24/2018</p>
<p><u>SB 833</u> <u>McGuire D</u></p> <p>Emergencies: Office of Emergency Services: guidelines: alert and warning systems.</p>	<p>SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 617, Statutes of 2018.</p>	<p>The California Emergency Services Act establishes the Office of Emergency Services (OES) in the office of the Governor and provides that OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. The act also provides for systems for the public dissemination of alerts regarding missing children, attacks upon law enforcement officers, and missing persons who are 65 years of age or older, among others, and requires the Department of the California Highway Patrol to activate these systems and issue alerts upon the request of a law enforcement agency if certain conditions are met. This bill, on or before July 1, 2019, would require OES, in consultation with specified entities, to develop voluntary guidelines for alerting and warning the public of an emergency. The bill would require OES to provide each city, county, and city and county with a copy of the guidelines. This bill contains other related provisions. Last Amended on 8/20/2018</p>
<p><u>SB 894</u> <u>Dodd D</u></p> <p>Property insurance.</p>	<p>SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 618, Statutes of 2018.</p>	<p>Existing law requires an insurer, in the case of a total loss to the primary insured structure under a policy of residential property insurance, to offer to renew the policy at least once if the loss to the primary insured structure was caused by a disaster, as defined, and was not also due to the negligence of the insured, except as specified. This bill would instead, under specified circumstances, require the insurer to offer to renew the policy for at least the next 2 annual renewal periods or 24 months, whichever is greater. This bill contains other related provisions and other existing laws. Last Amended on 8/24/2018</p>
<p><u>SB 896</u> <u>McGuire D</u></p> <p>Aggravated arson.</p>	<p>SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 619, Statutes of 2018.</p>	<p>Existing law, until January 1, 2019, defines the offense of aggravated arson, and defines the aggravating factors for the offense as, the person has been previously convicted of arson on one or more occasions within the past 10 years, the fire caused property damage and other losses in excess of \$7,000,000, or the fire caused damage to, or the destruction of, 5 or more inhabited structures. Existing law, commencing January 1, 2019, deletes the aggravating factor of property damage and other losses in excess of \$7,000,000 from the definition of aggravated arson. This bill would extend the operation of the former aggravated arson offense until January 1, 2024, and would increase the threshold of property damage and other losses constituting an aggravating factor for aggravated arson to \$8,300,000. The bill would delay operation of the latter aggravated arson offense that deletes the threshold dollar amount of property damages or losses as an aggravating factor until January 1, 2024. By extending the operation of law defining a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Last Amended on 5/25/2018</p>
<p><u>SB 901</u> <u>Dodd D</u></p> <p>Wildfires.</p>	<p>SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 626, Statutes of 2018.</p>	<p>(1) Existing law, the California Emergency Services Act, among other things, authorizes the Governor, with the advice of the Office of Emergency Services, to divide the state into mutual aid regions for the more effective application, administration, and coordination of mutual aid and other emergency-related activities. Existing law authorizes the Office of Emergency Services to coordinate response and recovery operations in the mutual aid regions. The Budget Act of 2018 appropriated \$99,376,000 to the Office of Emergency Services for purposes of local assistance. Of those funds, \$25,000,000 was made available, pursuant to a schedule, for equipment and technology that improves the mutual aid system. Existing law authorizes the Department of Forestry and Fire Protection (CalFire) to administer various programs, including grant programs, relating to forest health and wildfire protection. This bill would revise the Budget Act of 2018 to provide that the \$25,000,000 described above shall be</p>

		applied to support activities directly related to regional response and readiness. The bill would provide that these activities include predeployment of Office of Emergency Services fire and rescue and local government resources that are part of the California Fire and Rescue Mutual Aid System or additional resources upon the authority and approval of the Office of Emergency Services to meet the requirements for state resources called up for predisaster and disaster response. This bill contains other related provisions and other existing laws. Last Amended on 8/28/2018
<u>SB 914</u> <u>Dodd D</u> Local agency contracts: construction manager at-risk construction contracts.	SENATE CHAPTERED 7/16/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 108, Statutes of 2018.	Existing law authorizes a county, until January 1, 2023, with approval of the board of supervisors, to utilize construction manager at-risk construction contracts for the erection, construction, alteration, repair, or improvement of any building owned or leased by the county, subject to certain requirements, including that the method may only be used for projects that are in excess of \$1,000,000. This bill would expand that authorization by authorizing a public entity, of which the members of the county board of supervisors make up the members of the governing body of that public entity, with the approval of its governing body, to utilize construction manager at-risk construction contracts. The bill would also authorize the county or public entity to utilize those contracts for the erection, construction, alteration, repair, or improvement of infrastructure owned or leased by the county or the public entity, as applicable, including, but not limited to, buildings, utility improvements associated with buildings, flood control and underground utility improvements, and bridges, but excluding roads. Last Amended on 6/6/2018
<u>SB 917</u> <u>Jackson D</u> Insurance policies.	SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 620, Statutes of 2018.	Existing law regulates insurance and the business of insurance in the state. Under existing law, an insurer is liable for a loss of which a peril insured against was the proximate cause, although a peril not contemplated by the contract may have been a remote cause of the loss. Under existing law, an insurer is not liable for a loss of which the peril insured was only the remote cause. This bill would require coverage to be provided if a loss or damage results from a combination of perils, one of which is a landslide, mudslide, mudflow, or debris flow, if an insured peril is the efficient proximate cause of the loss or damage and coverage would otherwise be provided for the insured peril. The bill would require coverage to be provided under the same terms and conditions as would be provided for the insured peril. The bill would state that it does not constitute a change in, but is declaratory of, existing law, and that it does not alter or abrogate any coverage or defenses, either in contract or law, that existed prior to January 1, 2019. Last Amended on 8/23/2018
<u>SB 929</u> <u>McGuire D</u> Special districts: Internet Web sites.	SENATE CHAPTERED 9/14/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 408, Statutes of 2018.	The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for special districts, as specified. The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its Internet Web site and directing a member of the public to the Internet Web site, as specified. This bill would, beginning on January 1, 2020, require every independent special district to maintain an Internet Web site that clearly lists contact information for the special district, except as provided. Because this bill would require local agencies to provide a new service, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Last Amended on 8/16/2018
<u>SB 969</u> <u>Dodd D</u> Automatic garage door openers: backup batteries.	SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 621, Statutes of 2018.	Existing law requires an automatic garage door opener that is manufactured for sale, purchased, sold, offered for sale, or installed in a residence to comply with specified safety requirements, including that the automatic garage door opener have an automatic reverse safety device. This bill, beginning July 1, 2019, would also require an automatic garage door opener that is manufactured for sale, sold, offered for sale, or installed in a residence to have a battery backup function that is designed to operate when activated because of an electrical outage. The bill would make a violation of those provisions subject to a civil penalty of \$1,000. The bill would, on and after July 1, 2019, prohibit a replacement residential garage door from being installed in a manner that connects the door to an existing garage door opener that does not meet the requirements of these provisions. Last Amended on 6/14/2018

<p><u>SB 1040</u> <u>Dodd D</u></p> <p>In-home supportive services: natural disaster.</p>	<p>SENATE CHAPTERED 9/26/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 789, Statutes of 2018.</p>	<p>(1)Existing law establishes the In-Home Supportive Services (IHSS) program, administered by the State Department of Social Services and counties, under which qualified aged, blind, and disabled persons are provided with supportive services, as defined, in order to permit them to remain in their own homes. The California Emergency Services Act authorizes the Governor to declare a state of emergency under specified conditions and requires a county, including a city and county, to update its emergency plan to address, among other things, how the access and functional needs population, as defined, is served by emergency communications, evacuation, and sheltering. This bill would require a county to use a void and reissue warrant process for any provider who lost or had damaged an uncashed warrant because of a natural disaster resulting in a state of emergency. The bill would require a county, including a city and county, at the next update to its emergency plan, to integrate and require the assessment and provision of supportive services to IHSS recipients. This bill contains other related provisions and other existing laws. Last Amended on 6/19/2018</p>
<p><u>SB 1076</u> <u>Hertzberg D</u></p> <p>Emergency preparedness: electrical utilities: electromagnetic pulse attacks and geomagnetic storm events.</p>	<p>SENATE CHAPTERED 9/11/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 353, Statutes of 2018.</p>	<p>The California Emergency Services Act creates within the office of the Governor the Office of Emergency Services, which is responsible for the state’s emergency and disaster response services, as specified. Existing federal law requires a state mitigation plan as a condition for disaster assistance and authorizes the Federal Emergency Management Agency to condition mitigation grant assistance upon state, local, and Indian tribal governments undertaking coordinated disaster mitigation planning and implementation measures. This bill would require the office to include an evaluation of risks from an electromagnetic pulse attack, a geomagnetic storm event, and from other potential causes of a long-term electrical outage in the next update of the State Hazard Mitigation Plan undertaken to comply with the federal requirements. As necessary, based on that analysis, the bill would require the plan to identify cost-effective and feasible measures to lessen risks from those hazards, including hardening the critical infrastructure of electrical utilities. Last Amended on 8/16/2018</p>
<p><u>SB 1079</u> <u>Monning D</u></p> <p>Forest resources: fire prevention grants: advance payments.</p>	<p>SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 622, Statutes of 2018.</p>	<p>Existing law authorizes the Director of Forestry and Fire Protection to provide grants to entities, including, but not limited to, private or nongovernmental entities, Native American tribes, or local, state, and federal public agencies, for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions. The Budget Act of 2017 appropriated moneys to the Department of Forestry and Fire Protection for purposes of, among other things, providing local assistance grants, grants to fire safe councils, and grants to qualified nonprofit organizations with a demonstrated ability to satisfactorily plan, implement, and complete a fire prevention project for these same purposes, as provided. This bill would, until January 1, 2024, authorize the director to authorize advance payments to a nonprofit organization, a local agency, a special district, a private forest landowner, or a Native American tribe from the grant awards specified above. The bill would prohibit a single advance payment from exceeding 25% of the total grant award. The bill would place specified requirements on the grantee of the advance payment, including that the grantee file an accountability report with the department, as provided. The bill would require the department to provide a report to the Legislature on or before January 1, 2023, on the outcome of the department’s use of the advance payments. This bill contains other related provisions. Last Amended on 8/13/2018</p>
<p><u>SB 1181</u> <u>Hueso D</u></p> <p>Emergency services: certified community conservation corps.</p>	<p>SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 623, Statutes of 2018.</p>	<p>Existing law, the California Emergency Services Act, grants the Governor certain powers to be exercised in accordance with the State Emergency Plan and programs for the mitigation of the effects of an emergency. Existing law creates the Office of Emergency Services within the Governor’s office and commits to the office the responsibility for the state’s response services for natural, technological, or manmade disasters and emergencies. This bill would authorize the Office of Emergency Services to enter into an agreement directly with one or more certified community conservation corps, as defined, to perform emergency or disaster response services as the office deems appropriate.</p>
<p><u>SB 1205</u> <u>Hill D</u></p>	<p>SENATE CHAPTERED 9/27/2018 - Approved by the</p>	<p>Existing law requires the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or</p>

<p>Fire protection services: inspections: compliance reporting.</p>	<p>Governor. Chaptered by Secretary of State. Chapter 854, Statutes of 2018.</p>	<p>her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year, as provided. Existing law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided. This bill would require every city or county fire department, city and county fire department, or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's or district's compliance with the above-described inspection requirements, as provided. The bill would require the administering authority to acknowledge receipt of the report in a resolution or a similar formal document. To the extent this bill would expand the responsibility of a local agency, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws. Last Amended on 6/20/2018</p>
<p><u>SB 1260</u> <u>Jackson D</u></p> <p>Fire prevention and protection: prescribed burns.</p>	<p>SENATE CHAPTERED 9/21/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 624, Statutes of 2018.</p>	<p>(1) Existing law requires a local agency to designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the Director of Forestry and Fire Protection and exempts a local agency, as defined, from that requirement if ordinances of the local agency, adopted on or before December 31, 1992, impose standards that are equivalent to, or more restrictive than, specified state standards. Existing law authorizes a local agency, at its discretion, to exclude from specified requirements governing fire risk reduction an area identified as a very high fire hazard severity zone by the director within the jurisdiction of the local agency, following a specified finding supported by substantial evidence that those requirements are not necessary for effective fire protection within the area. This bill would eliminate the above-described exemption and exclusion and would require the local agency to transmit a copy of the adopted ordinance to the State Board of Forestry and Fire Protection within 30 days of adoption. By imposing a new duty on a local agency, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. Last Amended on 8/24/2018</p>
<p><u>SB 1305</u> <u>Glazer D</u></p> <p>Emergency medical services providers: dogs and cats.</p>	<p>SENATE CHAPTERED 9/28/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 900, Statutes of 2018.</p>	<p>Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (the act), establishes the Emergency Medical Services Authority to coordinate and integrate all state activities concerning emergency medical services, including, among other duties, establishing training standards for specified emergency services personnel. The act provides a qualified immunity for public entities and emergency rescue personnel providing emergency services. The act provides other exemptions from liability for specified professionals rendering emergency medical services. This bill would authorize an emergency responder, as defined, to provide basic first aid to dogs and cats, as defined, to the extent that the provision of that care is not prohibited by the responder's employer. The bill would limit civil liability for specified individuals who provide care to a pet or other domesticated animal during an emergency by applying existing provisions of state law. The definition of "basic first aid to dogs and cats" for purposes of these provisions would specifically include, among other acts, administering oxygen and bandaging for the purpose of stopping bleeding. This bill contains other existing laws. Last Amended on 8/23/2018</p>
<p><u>SB 1339</u> <u>Stern D</u></p> <p>Electricity: microgrids: tariffs.</p>	<p>SENATE CHAPTERED 9/19/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 566, Statutes of 2018.</p>	<p>(1) Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities, as defined, are under the direction of their governing boards. Existing law authorizes the commission to fix the rates and charges for every public utility and requires that those rates and charges be just and reasonable. This bill would require the PUC, in consultation with the State Energy Resources Conservation and Development Commission and the Independent System Operator, to take specified actions by December 1, 2020, to facilitate the commercialization of microgrids for distribution customers of large electrical corporations. The bill would require the governing board of a local publicly owned electric utility to develop and make available a standardized process for the interconnection of a customer-supported microgrid, including separate electrical rates and tariffs, as necessary. This bill contains other related provisions and other existing laws. Last Amended on 8/28/2018</p>

<p><u>SB 1453</u> McGuire D</p> <p>Statutes of limitations.</p>	<p>SENATE CHAPTERED 9/26/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 796, Statutes of 2018.</p>	<p>Existing law provides that civil actions can only be commenced within prescribed periods, based on the nature of the action. Existing law prescribes a limitations period of one year for, among other things, an action upon a statute for a forfeiture or penalty to the people of the state. Under existing law, this one-year period is applicable to an action to petition a court to impose a civil penalty for an intentional, knowing, or negligent violation of the Z'berg-Nejedly Forest Practice Act of 1973 (FPA) or any rules or regulations of the State Board of Forestry and Fire Protection. This bill would instead provide that such an action is subject to a 3-year limitations period, if the action is for a violation of specified provisions of the FPA or a specified regulation of the board and is related to the conversion of timberland to nonforestry-related agricultural uses. The bill would provide that the limitations period for this cause of action does not begin until discovery by the Department of Forestry and Fire Protection. Last Amended on 7/5/2018</p>
<p><u>SB 1477</u> Stern D</p> <p>Low-emissions buildings and sources of heat energy.</p>	<p>SENATE CHAPTERED 9/13/2018 - Approved by the Governor. Chaptered by Secretary of State. Chapter 378, Statutes of 2018.</p>	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms in regulating those emissions. The implementing regulations adopted by the state board provide for the direct allocation of greenhouse gas allowances to electrical corporations and gas corporations pursuant to a market-based compliance mechanism. This bill would require the commission to develop and supervise the administration of the Technology and Equipment for Clean Heating (TECH) Initiative, a statewide market development initiative, to require gas corporations to advance the state's market for low-emission space and water heating equipment for new and existing residential buildings. The bill would require the commission, as a part of the initiative, to identify and target key low-emission space and water heating equipment technologies that are in an early stage of market development and that would assist the state in achieving its greenhouse gas emissions reduction goals. The bill would require the commission to develop guidelines and evaluation metrics, implement outreach strategies for hard-to-reach customers, and provide for job training and employment opportunities, in supervising the administration of the TECH Initiative. This bill contains other related provisions and other existing laws. Last Amended on 8/6/2018</p>



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 15
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Office of the District Attorney

Staff Name and Phone Number:

Renate Amantite, ASO II, 565-3150

Supervisorial District(s):

Title: District Attorney 2018-19 Automobile Insurance Fraud Program

Recommended Actions:

Adopt a resolution authorizing the District Attorney to execute the grant agreement with the California Department of Insurance to participate in the Automobile Insurance Fraud Program and accept \$55,479 in grant funding for the term July 1, 2018 through June 30, 2019. The objective of this grant is to protect public safety resulting from criminal enterprises staging traffic collisions and vendors providing faulty vehicle repairs and placing dangerous and unsafe vehicles back on the road.

Executive Summary:

Board approval and authorization is requested to allow the District Attorney to sign a contract to continue participation in the Automobile Insurance Fraud Program funded by the California Department of Insurance in the amount of \$55,479 for the 2018-19 Fiscal Year. The District Attorney participated in the Automobile Insurance Fraud Program in Fiscal Years 2009-10 through 2013-14. The staff assigned to this grant consists of two existing Deputy District Attorneys, with an estimated annual cost to the department of \$456,580; an existing District Attorney Investigator, with an estimated annual cost to the department of \$209,032; and an existing Legal Secretary, with an estimated annual cost to the department of \$118,237. The grant funding will cover \$22,829 for the Deputy District Attorneys; \$20,903 for the Investigator; \$2,365 for the Legal Secretary; and \$8,400 for audit expenses. The balance of salaries and benefits will be paid for by the District Attorney's Office with Environmental Consumer Special Revenue funds and a Workers' Compensation Insurance Fraud grant through the California Department of Insurance.

Discussion:

State of California Department of Insurance Automobile Insurance Fraud Investigation Grant Award: \$55,479

The California Department of Insurance (CDI) is also the primary law enforcement agency responsible for investigating automobile insurance fraud crimes. The District Attorney first participated in this program

in Fiscal Year 2009-10. The Fraud Division coordinates enforcement operations statewide with municipal, state, and federal enforcement agencies. Completed investigations are filed with the District Attorney or the United States Attorney General's Office. The funding for this program comes from an assessment on automobile insurers of 25 cents for each vehicle insured, as set forth in the California Code of Regulations, Title 10, Chapter 5, Sub-chapter 9 – Insurance Fraud. Prior to preparing any Grant Award Agreements for this 2018-19 Fiscal Year, CDI took an additional step to distribute the Fiscal Year 2017-18 Year-End balance consisting of unspent and additional funds from fines and penalties. The Fraud Assessment Commission met September 5, 2018, to obtain Advice and Consent on the Insurance Commissioner's funding recommendations for the Fiscal Year 2017-18 Year-End balance. After the Fraud Assessment Commission's vote, the Grant Award Agreements were prepared and sent to the District Attorney's Office for signature.

For fiscal year 2018-19, the District Attorney's Office intends to focus investigative and prosecution efforts not just on claimant fraud, but on automobile insurance fraud committed by service providers, such as billing fraud; fraud committed by automobile insurance business employees who include false information in their clients' applications in order to secure a lower rate; and premium fraud committed by business owners who may lie about their business information in order to get a better rate.

Automobile Insurance fraud committed by criminal enterprises staging traffic collisions and automobile repair vendors placing unsafe vehicle back on the road are serious crimes that put the public at risk. The District Attorney's Office will focus efforts to detect and prosecute this type of fraud. Grant funds afford the District Attorney's Office additional resources to focus on cases which are by nature more obscure and traditionally difficult to detect. These sophisticated automobile insurance frauds adversely impact all citizens in our state through higher insurance rates.

Examples of this sophisticated fraud also include medical-legal fraud committed by medical-legal providers in the personal injury system who include false information regarding unnecessary treatments or services which are rarely furnished in order to secure insurance payments; and applicant fraud which is committed by an insured who reports that he/she was driving, when in fact another driver was behind the wheel during an accident. In addition, the District Attorney's Office intends to work with the Department of Insurance investigators to reduce the risk to public safety by investigating and prosecuting auto rings and auto body shops who provide faulty repairs. This new focus will help ensure that the types of cases being prosecuted in this county are truly reflective of the nature of fraud actually experienced by the county.

For the past four years, the District Attorney's Office did not apply for the Automobile Insurance Fraud grant. As a result, we prosecuted very few automobile insurance fraud cases which created a back log of suspected fraud claims arising out of Sonoma County and submitted by insurance companies to the Department of Insurance. These grant funds will allow the District Attorney's Office to devote specified time to Automobile Insurance Fraud cases and work collaboratively with CDI detectives to prioritize cases and create a collaborative work flow. The District Attorney's Office will continue to prosecute automobile insurance fraud claims, and conduct community outreach, training, and education in the area of automobile insurance fraud in Fiscal Year 2018-19.

The 2018-19 grant award of \$55,479 is an 11% increase over the \$50,000 award last received in the 2013-14 Fiscal Year. The increase was requested because Sonoma County is experiencing a backlog of automobile insurance fraud cases. To address this issue, the District Attorney's Office has expanded its caseload and staffing, and seeks to grow the caseload over the next fiscal year. During the 2015 calendar year, 155 suspected fraud claims arose out of Sonoma County; during the 2016 calendar year, there were 174 suspected fraud claims from Sonoma County; and in the 2017 calendar year, 119 suspected fraud claims came from this county. As a result, existing District Attorney staff is being reassigned to perform grant-funded work. Two Deputy District Attorneys, one Investigator, and one Legal Secretary will each devote a percentage of their time to Automobile Insurance Fraud cases.

Prior Board Actions:

The Board has approved Resolutions authorizing the Automobile Insurance Fraud grant each year between 2009-10 and 2013-14.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

This grant assumes responsibility for uncovering fraud within the community that harms the public at large. Insurance fraud causes rates to rise due to increased illegal payouts. The grant also allows deeper and more sophisticated investigations of large scale fraud against automobile insurance. The team has the opportunity to interact with the community face-to-face and educate the public, businesses, and medical and legal providers.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	55,479	61,027	67,130
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal	55,479	61,027	67,130
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	55,479	61,027	67,130

Narrative Explanation of Fiscal Impacts:

The 2018-19 State of California Department of Insurance Automobile Insurance Fraud Investigation grant award of \$55,479 is an 11% increase over the \$50,000 award last received in the 2013-14 Fiscal Year. The current grant will fund activities through June 30, 2019. The District Attorney's Office will apply for annual grant renewals in future fiscal years.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
A. Resolution authorizing execution of grant agreement B. Grant Award Agreement			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Authorizing The District Attorney's Office To Enter Into A Grant Award Agreement With The
California Department Of Insurance For Prosecution Of Automobile Insurance Fraud Cases In
Fiscal Year 2018/19**

Whereas, the Sonoma County Board of Supervisors desires to undertake a certain program designated *Automobile Insurance Fraud Program* to be funded in part from funds made available through California Insurance Code Section 1872.8, California Code of Regulations, Title 10, Section 2698.60 et. seq. and administered by the California Department of Insurance.

Now, Therefore, Be It Resolved that the District Attorney of the County of Sonoma is authorized, on its behalf, to submit a proposal to the California Department of Insurance and is authorized to execute on behalf of the Board of Supervisors the attached Grant Award Agreement including any extensions or amendments thereof.

It Is Agreed that any liability arising out of the performance of the Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and the California Department of Insurance disclaim responsibility for any such liability.

Be It Further Resolved that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

Resolution #

Date:

Page 2

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Sonoma County Board of Supervisors in a meeting thereof held on _____ (date) by the following:

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Signature: _____ Date: _____

Typed Name and Title:

ATTEST: Signature: _____ Date: _____

Typed Name and Title:

**INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA**

GRANT AWARD AGREEMENT

Fiscal Year 2018-19

Automobile Insurance Fraud Program

The Insurance Commissioner of the State of California hereby makes an award of funds to **Sonoma County**, Office of the District Attorney, in the amount and for the purpose and duration set forth in this grant award.

This grant award consists of this agreement and the application for the grant and made a part hereof. By acceptance of the grant award, the grant award recipient agrees to administer the grant project in accordance with all applicable statutes, regulations and Request-for-Application (RFA).

Duration of Grant: The grant award is for the program period, **July 1, 2018** through **June 30, 2019**.

Purpose of Grant: This grant award is made pursuant to the provisions of California Insurance Code §1872.8 and shall be used solely for the purposes of enhanced investigation and prosecution of automobile insurance fraud and economic car theft cases.

Amount of Grant: The grant award agreed to herein is in the amount of **\$55,479**. This amount has been determined by the Insurance Commissioner. However, the actual total award amount for the county is contingent on the collection and the authorization for expenditure pursuant to the Government Code §13000 et seq. The grant award shall be distributed pursuant to §1872.8 of the Insurance Code and to the California Code of Regulations Sub-Chapter 9, Article 4, §2698.65.

<p>Official Authorized to Sign for Applicant/Grant Recipient</p> <hr/> <p>Name: Jill R. Ravitch Title: District Attorney</p> <p>Address: 600 Administration Drive, Room 212-J Santa Rosa, CA 95403</p> <p>Date: _____</p>	<p>DAVE JONES Insurance Commissioner</p> <hr/> <p>Name: George Mueller Title: Deputy Commissioner</p> <p>Date: _____</p>
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I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure.

Crista Hill, Budget Officer, CDI

Date



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 16
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Office of the District Attorney

Staff Name and Phone Number:

Renate Amantite, ASO II, 565-3150

Supervisorial District(s):

Title: District Attorney 2018-19 Workers' Compensation Insurance Fraud Investigation Program

Recommended Actions:

Adopt a resolution authorizing the District Attorney to execute the grant agreement with the California Department of Insurance to participate in the Workers' Compensation Insurance Fraud Investigation Program and accept \$98,457 in grant funding for the term July 1, 2018 through June 30, 2019. The objective of this grant is to uncover fraud within the community that harms workers and businesses, and prosecute those who perpetrate such crimes.

Executive Summary:

Board approval and authorization is requested to allow the District Attorney to sign a contract to continue participation in the Workers' Compensation Insurance Fraud Program funded by the California Department of Insurance in the amount of \$98,457 for the 2018-19 Fiscal Year. The District Attorney has participated in the Workers' Compensation Insurance Fraud Program since 1996. The staff assigned to this grant consists of two existing Deputy District Attorneys, with an estimated annual cost to the department of \$456,580; an existing District Attorney Investigator, with an estimated annual cost to the department of \$215,568; and an existing Legal Secretary, with an estimated annual cost to the department of \$118,237. The grant funding will cover \$30,135 for the Deputy District Attorneys; \$53,892 for the Investigator; \$5,912 for the Legal Secretary; and \$8,400 for audit expenses. The balance of salaries and benefits will be paid for by the District Attorney's Office with Environmental Consumer Special Revenue funds and an Automobile Insurance Fraud grant through the California Department of Insurance.

Discussion:

State of California Department of Insurance Workers' Compensation Insurance Fraud Investigation Grant Award: \$98,457

The California Department of Insurance Workers' Compensation Fraud Program was established in 1991 through the passage of Senate Bill 1218 (Chapter 116), and the District Attorney has participated in this

program since 2004. The law, which makes Workers' Compensation fraud a felony, requires insurers to report suspected fraud, and establishes a mechanism for funding enforcement and prosecution activities. The funding comes from California employers as a portion of the premium paid to the state. Senate Bill 1218 also established the Fraud Assessment Commission, which determines the level of assessments to fund investigation and prosecution of workers' compensation insurance fraud in consideration of premiums collected.

Historically, Workers' Compensation fraud cases referred to the District Attorney's Office have typically been claimant fraud. These cases include claiming a non-work injury, filing multiple claims for the same injury, working at another job while collecting disability benefits, and related schemes to cheat the Workers' Compensation system. While the District Attorney's Office will continue to use these Workers' Compensation Insurance Fraud grant funds to prosecute these more established types of claimant fraud cases, additional funding was requested, and received to enhance the Fiscal year 2018-19 program. The District Attorney's Office has filed 30 cases involving employers failing to have proper Workers' Compensation coverage and contractors licenses during the 2017-18 fiscal year. Final outcomes include achieving compliance, educating those employers, and having them participate in diversion programs resulting in providing community service work.

According to the Department of Insurance, Workers' Compensation Insurance fraud has increased, resulting in a greater allotment of statewide grant funding to combat such crime. Specifically, over the past three years, Workers' Compensation Insurance Fraud funds available to District Attorney's Offices throughout the State has increased 13 percent. Prior to preparing any Grant Award Agreements for this 2018-19 Fiscal Year, CDI took an additional step to distribute the Fiscal Year 2017-18 Year-End balance consisting of unspent and additional funds from fines and penalties. The Fraud Assessment Commission met September 5, 2018, to obtain Advice and Consent on the Insurance Commissioner's funding recommendations for the Fiscal Year 2017-18 Year-End balance. After the Fraud Assessment Commission's vote, the Grant Award Agreements were prepared and sent to the District Attorney's Office for signature.

The District Attorney's Office will focus efforts to detect and prosecute Workers' Compensation Insurance fraud. Grant funds afford the District Attorney's Office more resources to focus on cases which are by nature more obscure and traditionally more difficult to detect. These more sophisticated workers' compensation frauds committed by providers and insiders, adversely impact a broader spectrum of people than do the basic claimant fraud cases.

In addition, the District Attorney's Office intends to work with the Department of Insurance investigators to conduct sweeps in Sonoma County with the goal of identifying and prosecuting employers operating businesses without Workers' Compensation insurance. This new focus will help ensure that the types of cases being prosecuted in this county are truly reflective of the nature of fraud actually experienced by the county.

The office has conducted outreach and training through community organizations including: the Graton Day Labor Center; Redwood Empire Association of Code Officials; the Sonoma County Winegrowers and Winegrape Commission; and the Oakmont Homeowners Association. Outreach efforts have ranged from meetings with Association Board members to presenting to Association members and the public.

During the latter part of Fiscal Year 2014-15, the newly designated District Attorney Investigator worked to revise the Sonoma County's Workers' Compensation fraud investigation strategy. In Fiscal Year 2014-15, Sonoma County entered into a Memorandum of Understanding to share investigative resources with Marin County. Over the past three years, Sonoma County has increased training/education and outreach both within the community generally and within the agencies involved in the investigation of Workers' Compensation insurance fraud. The team's outreach has been mostly via task forces used in all counties to crack down on employers, predominately construction, operating without Workers' Compensation insurance and on holding tri-county trainings for investigations and prosecution. Grant funds have been used to help pay for outreach. The District Attorney's Office will continue this strategy and increase community outreach, training and education in the area of Workers' Compensation fraud in Fiscal Year 2018-19.

The 2018-19 grant award of \$98,457 is an 8% increase over the award from the previous fiscal year. The increase was requested because the District Attorney's office has expanded its caseload and staffing, and seeks to continue growing the caseload over the next fiscal year. During the 2016-17 fiscal year, the District Attorney's Office filed 19 new cases. However, in fiscal year 2017-18, a total of 30 new cases were filed. As a result, existing District Attorney staff is being reassigned to grant-funded work. An Investigator will devote a greater percentage of her time to Workers' Compensation Insurance Fraud matters, and a Legal Secretary will enter related referrals into the database and track the status and outcomes of Workers' Compensation Insurance Fraud cases.

Prior Board Actions:

The Board has approved Resolutions authorizing the Workers' Compensation Insurance Fraud grant each year since Fiscal Year 2004-05; most recently in Fiscal Year 2017-18.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

This grant assumes responsibility for uncovering fraud within the community that harms workers and businesses. Insurance fraud causes rates to rise due to increased illegal payouts. The grant also allows deeper and more sophisticated investigations of large scale fraud against Workers' Compensation insurance. The team has the opportunity to interact with the community face-to-face and educate businesses and medical providers.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	98,457	108,302	119,132
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal	98,457	108,302	119,132
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	98,457	108,302	119,132
Narrative Explanation of Fiscal Impacts:			
This grant increased by \$7,837 from FY 2017-18 to FY 2018-19. This was generally due to improved outcomes of the Deputy District Attorney and Investigator, as well as additional staff joining the program.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
A. Resolution authorizing execution of grant agreement B. Grant Award Agreement			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Authorizing The District Attorney's Office To Enter Into A Grant Award Agreement With The
California Department Of Insurance For Prosecution Of Workers' Compensation Fraud Cases
In Fiscal Year 2018/19**

Whereas, the Sonoma County Board of Supervisors desires to undertake a certain program designated *Workers' Compensation Insurance Fraud Program* to be funded in part from funds made available through *Workers' Compensation-California Insurance Code Section 1872.83, California Code of Regulations, Title 10, Section 2698.55 et. seq.* and administered by the California Department of Insurance.

Now, Therefore, Be It Resolved that the District Attorney of the County of Sonoma is authorized, on its behalf, to submit a proposal to the California Department of Insurance and is authorized to execute on behalf of the Board of Supervisors the attached Grant Award Agreement including any extensions or amendments thereof.

It Is Agreed that any liability arising out of the performance of the Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and the California Department of Insurance disclaim responsibility for any such liability.

Be It Further Resolved that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

Resolution #

Date:

Page 2

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Sonoma County Board of Supervisors in a meeting thereof held on _____ (date) by the following:

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Signature: _____ Date: _____

Typed Name and Title:

ATTEST: Signature: _____ Date: _____

Typed Name and Title:

**INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA**

GRANT AWARD AGREEMENT

Fiscal Year 2018-19

Workers' Compensation Insurance Fraud Program

The Insurance Commissioner of the State of California hereby makes an award of funds to **Sonoma County**, Office of the District Attorney, in the amount and for the purpose and duration set forth in this grant award.

This grant award consists of this agreement and the application for the grant and made a part hereof. By acceptance of the grant award, the grant award recipient agrees to administer the grant program in accordance with all applicable statutes, regulations, and Request-for-Application (RFA).

Duration of Grant: The grant award is for the program period **July 1, 2018** through **June 30, 2019**.

Purpose of Grant: This grant award is made pursuant to the provisions of California Insurance Code Section 1872.83 and shall be used solely for the purposes of enhanced investigation and prosecution of workers' compensation insurance fraud cases.

Amount of Grant: The grant award agreed to herein is in the amount of **\$98,457**. This amount has been determined by the Insurance Commissioner with the advice and consent of the Fraud Assessment Commission based on the estimated funds collected pursuant to Section 62.6 of the Labor Code. However, the actual total award amount for the county is contingent on the collection of assessments and the authorization for expenditure pursuant to Government Code Section 13000 et seq. The grant award shall be distributed pursuant to Section 1872.83 of the Insurance Code and the California Code of Regulations Subchapter 9, Article 3, Sections 2698.53, 2698.54, and 2698.57.

<p>Official Authorized to Sign for Applicant/Grant Recipient</p> <hr/> <p>Name: Jill R. Ravitch Title: District Attorney</p> <p>Address: 600 Administration Drive, Room 212-J Santa Rosa, CA 95403</p> <p>Date: _____</p>	<p>DAVE JONES Insurance Commissioner</p> <hr/> <p>Name: George Mueller Title: Deputy Commissioner</p> <p>Date: _____</p>
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I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure.

Crista Hill, Budget Officer, CDI

Date



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 17
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: 4/5

Department or Agency Name(s):

Staff Name and Phone Number:

Renate Amantite, 565-3510

Supervisorial District(s):

Title: District Attorney's Homeless Victims of Crime Program

Recommended Actions:

Execute a contract with the California Governor's Office of Emergency Services for the Outreach and Services to Homeless Victims of Crime Grant Program.

- A. Adopt a resolution authorizing the District Attorney to execute a contract with the California Governor's Office of Emergency Services to accept additional funding and extend the term of the original grant for direct services revenue in the amount of \$380,979 through December 31, 2019.
- B. Adopt a resolution extending the 1.0 FTE Administrative Aide-Time Limited position through December 31, 2019 to continue to support this program.

The objective of the Outreach and Services to Homeless Victims of Crime program is to provide advocacy, case management and prosecution to the most vulnerable in Sonoma County, disabled homeless victims of crime.

Executive Summary:

Board approval and authorization is requested to allow the District Attorney to sign a contract to continue participation in the Homeless Victims of Crime Program funded by the State of California, Office of Emergency Services for \$380,979 through December 31, 2019.

Discussion:

The rise of homelessness in Sonoma County is a sad reality. From the 2018 Sonoma County Point of Time in Homeless Census and Survey our homeless population is over 3,000. Of that, 36% were sheltering in emergency or transitional housing and 64% were unsheltered, living on the streets, abandoned buildings, cars or encampment areas. The census also reported that 44% also battle a disabling condition or conditions. Homelessness leads to a high prevalence of victimization. Reports from local agencies serving the homeless cite: rape, domestic violence, monetary and identity theft, robbery, assault and fraud are the most common crimes suffered by the homeless. Most of these crimes are never reported to law enforcement. The Sonoma County Homeless Outreach Team has identified

domestic violence as the most prevalent crime for the homeless. During FY 2017/18 the team assisted 51 families with 99 members and 185 single adults.

Initially the California Office of Emergency Services (CalOES) Outreach and Services to Homeless Victims of Crime grant award of \$524,487 provided funds for a two-year program. The funds provide salaries and benefits for one fulltime Homeless Outreach Coordinator housed within the Family Justice Center as part of the Victim Services Division of the District Attorney's Office. The grant and program also helps pay for three Outreach Workers with current Community Based Organizations (CBO) who have expertise in victim assistance. The community based organizations provide grant matching in-kind services of \$25,000 per each organization to cover 24/7 hotline operations. The collaborative agencies are Catholic Charities, Verity, and the YWCA. Catholic Charities serves the homeless, Verity targets victims of sexual assault and the YWCA focuses on domestic violence abuse. These partner agencies have been at the forefront for victim case management and sought to participate in this program as agreed by the Victim Services Steering Committee (VSSC).

The Victim Services Steering Committee (VSSC) was created to prepare this grant program and apply for the agreed funding. The goal of the committee continues to be to collaboratively create the detailed program that will continue even after the close of the grant.

The Homeless Outreach Team efforts are consistent with the Sonoma County System of Care, endorsed by the County of Sonoma Board of Supervisors on Tuesday, October 9, 2018.

An additional \$380,979 funding will maintain the program through December 31, 2019 and includes a continuation of salary and benefits for 75% of the Homeless Outreach Coordinator with general funds paying the remaining 25% as a match requirement. The additional funding also extends the contracts for three Outreach Workers from Catholic Charities, Verity, and the YWCA with an additional service match of \$18,750 for their staff time to continue the availability of their 24/7 hotline operation.

The Outreach and Services to Homeless Victims of Crime program expands and enhances a coordinated system of multi-disciplinary response, outreach, and case management and provides timely and comprehensive services to homeless crime victims with disabling conditions. Core services provided by partners include: outreach to unsheltered individuals; provision of emergency resources and services; coordinated intake to encourage clients to participate in the full screening and assistance through nonprofit agencies; as well as transportation to shelters and services as needed. Available funding pays for shelter for families at two local motels; transportation in the form of City or County buses, taxis and fuel cards and gift cards for food and clothing.

Goals of the Outreach and Services to Homeless Victims of Crime Grant Program

1. Assist homeless victims of crime with disabling conditions to obtain housing, health services and social services.
2. Identify and address facts that increase the likelihood that homeless individuals with disabling conditions will become crime victims.
3. Foster coordination across the county to sustainably address multiple difficulties of homeless victims of crime with disabling conditions.

Prior Board Actions:			
The Board of Supervisors granted approval to accept the California Governor's Office of Emergency Services for the Outreach and Services to Homeless Victims of Crime Grant Program funds on November 1, 2016.			
Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community			
The Outreach and Services to Homeless Victims of Crime funds from this program provide advocacy, case management and prosecution to the most vulnerable in Sonoma County, disabled homeless victims of crime.			
Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$253,986	\$126,993	\$0
Additional Appropriation Requested	\$0		
Total Expenditures	\$253,986	\$126,993	\$0
Funding Sources			
General Fund/WA GF			
State/Federal	\$253,986	\$126,993	\$0
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$253,986	\$126,993	\$0
Narrative Explanation of Fiscal Impacts:			
CalOES Homeless Outreach funds of \$380,979 will be split between the FY 2018/19 and 2019/20 budget.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Homeless Outreach Coordinator (Administrative Aide) Limited Term, 1.0 FTE	\$4,433.39- \$5,389.99	0	0
Narrative Explanation of Staffing Impacts (If Required):			
The end date of the existing grant-funded Homeless Outreach Coordinator (Administrative Aide) will be extended from 1/1/2019 to 12/31/2019. The Homeless Outreach Coordinator will continue to support Outreach Workers to assist homeless victims of crime experiencing disabling conditions find shelter and			

services, build strong inter-agency collaboration, develop data collection and analysis systems that can refine service strategies, build community awareness of the many facets of the issue, and bring new resources to bear on the issue.

Attachments:

- A. Resolution 1
- B. Resolution 2
- C. Extension

Related Items “On File” with the Clerk of the Board:

Contract with California Governor’s Office of Emergency Services



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
authorizing the District Attorney to execute a contract with the California Governor's Office
of Emergency Services for Fiscal Years 2018-2020.**

Whereas, the Sonoma County Board of Supervisors desires to undertake a certain program designated as the Outreach and Services to Homeless Victims of Crime Grant Program to be funded in part by the California Governor's Office of Emergency Services.

Now, Therefore, Be It Resolved that the District Attorney of the County is authorized, on its behalf to accept a grant extension and additional funding for Outreach and Services to Homeless Victims of Crime and is authorized to execute on behalf of the Sonoma County Board of Supervisors the Grant Award Agreement including any extensions or modifications thereof.

Be It Further Resolved that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, amending the Department Allocation List for the District Attorney's Office to add 1.0 Full-Time Equivalent Administrative Aide Time Limited Position through December 31, 2019.

Whereas, a job duties analysis conducted by Human Resources, concluded that the duties to be performed by the Homeless Outreach Coordinator is most appropriately aligned with the Administrative Aide Time Limited Position.

Now, Therefore, Be It Resolved that the Allocation Table for the District Attorney's Office is hereby revised as follows:

Budget Index	Job Class	Class Title	Existing Positions In Class	Change In Position Allocation	New Total Allocation For Class	Duration/ End Date	Salary Range
1810102	0810	Administrative Aide, time limited	3.5	0	3.5	12/31/2019	4433 month

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

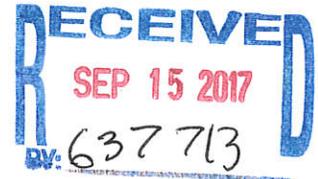
CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

GRANT SUBAWARD AMENDMENT SUBAWARD #: XC16010490

Federal Grant # 2015-VA-GX-0058
2017-VA-GX-0084 FIPS# 097-00000 Amendment# 1
 Project # N/A DUNS# 627412885 Performance Period 07/01/2016 to 12/31/2019

This amendment is between the California Governor's Office of Emergency Services, hereafter called Cal OES, and the Grant Subrecipient: County of Sonoma

Grant Subaward XC16010490 between the parties hereto is hereby amended to:



- Increase the 2017 VOCA funds by \$380,979 from \$ 0 to \$380,979;
- Increase the 2017 VOCA match by \$95,245 from \$ 0 to \$95,245;
- Increase the Total Project Cost by \$476,224 from \$655,609 to \$1,131,833.

Change the Performance Period of Subaward from 6/30/18 to 12/31/19

SPECIAL CONDITIONS:

The 2015 VOCA funds in the amount of \$524,487 and 2015 VOCA Match in the amount of \$131,122 must be expended by 6/30/18 and the final 2-201 must be submitted by 8/31/2018.

The 2017 VOCA funds in the amount of \$380,979 and 2017 VOCA Match in the amount of \$95,245 must be expended by 12/31/2019 and the final 2-201 must be submitted by 2/28/2020.

All other provisions of this agreement shall remain as previously agreed upon.

Subrecipient (Certification and Signature of Authorized Agent)				
By (Authorized Signature)		Date		
		9/6/17		
Printed Name		Title		
Jill R. Ravitch		District Attorney		
Address				
600 Administration Drive, Room 212-J, Santa Rosa, CA 95403				
Governor's Office of Emergency Services (For Cal OES use only)				
By Director or Designee		Date		
Printed Name		Title		
Amount Encumbered by this Document	Program/Component	Match	Item	
Prior Amount Encumbered	Fund Source	Chapter	Statute	Fiscal Year
Total Amount Encumbered to Date	PCA #	Project #	CFDA #	
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.				
Signature of Cal OES Fiscal Officer		Date		

Username

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Search Results

Quick Search Results

Your search returned the following results...

Notice: This printed document represents only the first page of your SAM search results. More results may be available. To print your complete search results, you can download the PDF and print it.

Entity	SONOMA, COUNTY OF	Status: Active
DUNS: 627412885	CAGE Code: 59BS6	<input type="button" value="View Details"/>
Has Active Exclusion?: No	DoDAAC:	
Expiration Date: 11/01/2018	Debt Subject to Offset?: No	
Purpose of Registration: All Awards		



- Search Records
- Data Access
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- Accessibility
- Privacy Policy
- FAPIS.gov
- GSA.gov/IAE
- GSA.gov
- USA.gov

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 WWW1

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**CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES
SUPPLEMENTAL GRANT SUBAWARD INFORMATION**

1. Cal OES Contact Information Section:

Governor's Office of Emergency Services
Mark S. Ghilarducci, Director
3650 Schriever Avenue
Mather, CA 95655
(916) 845-8506 phone • (916) 845-8511 fax

2. Federal Awarding Agency Section:

Fund Year	Federal Program Fund / CFDA #	Federal Awarding Agency	Total Federal Award Amount	Total Local Assistance Amount
2015	Victims of Crime Act (VOCA) / 16.575	Office for Victims of Crime	\$232,722,931	\$223,414,013
2017	Victims of Crime Act (VOCA) / 16.575	Office for Victims of Crime	\$218,943,281	\$210,185,550
Choose an item.	Choose an item.	Choose an item.	\$	\$
Choose an item.	Choose an item.	Choose an item.	\$	\$
Choose an item.	Choose an item.	Choose an item.	\$	\$

3. Project Description Section:

- Project Acronym (Please choose from drop down):
County Victim Services Program (XC)
- Project Description (Please type the Project Description):

Provides one-time federal VOCA funding to each of California's 58 counties and the City of Los Angeles to help fill self-identified victim services gaps/needs.

4. Research & Development Section:

- Is this Subaward a Research & Development grant? Yes No

GRANT SUBAWARD MODIFICATION

MAIL TO: California Governor's Office Of Emergency Services
 3650 Schriever Ave
 Mather, CA 95655:

1. Subaward #: XC16 01 0490
 2. Modification # 1

3. Subrecipient/Implementing Agency: County of Sonoma District Attorney
 4. Project Title: County Victim Services XC Grant
 5. Contact Person: Cassandra Stinson Phone: 707-565-2818 Fax: 707-565-2646
 Email Address: cstinson@sonoma-county.org 6. Performance Period: 7/1/2016 to 12/31/2019
 7. Payment Mailing Address: 600 Administration Drive, Rm 212-J, Santa Rosa, CA 95403 Check here if new.

8. Revision to Budget

FISCAL YEAR	Current Allocation Select Acronym from list	Grant Funds				Required Match				Total
		A. Personal Services	B. Operating Expenses	C. Equipment	Fund Total	A. Personal Services	B. Operating Expenses	C. Equipment	Match Total	
15	VOCA	\$96,096	\$428,391		\$524,487	\$56,122	\$75,000		\$131,122	\$655,609
17	VOCA				\$0				\$0	\$0
Yr	Fund				\$0				\$0	\$0
Yr	Fund				\$0				\$0	\$0
Yr	Fund				\$0				\$0	\$0
Proposed Change {add (+) or subtract (-) from budgeted amount}										
15	VOCA	(\$25,410)	\$25,410		\$0	\$0	\$0		\$0	\$0
17	VOCA	\$68,711	\$312,268		\$380,979	\$38,995	\$56,250		\$95,245	\$476,224
Yr	Fund				\$0				\$0	\$0
Yr	Fund				\$0				\$0	\$0
Yr	Fund				\$0				\$0	\$0
Revised Allocation										
15	VOCA	\$70,686	\$453,801	\$0	\$524,487	\$56,122	\$75,000	\$0	\$131,122	\$655,609
17	VOCA	\$68,711	\$312,268	\$0	\$380,979	\$38,995	\$56,250	\$0	\$95,245	\$476,224
Yr	Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Yr	Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Yr	Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

9. Justification for Modification: (If necessary, continue the justification on page 3.) Check to Total
 Please see Page 3

10. Subrecipient Approvals

<p><u>Michelle Carstensen</u> Project Director (typed name)</p> <p><i>[Signature]</i> Project Director Signature</p>	<p><u>Renate Amantite</u> Financial Officer (typed name)</p> <p><i>[Signature]</i> Financial Officer Signature</p>
<p><u>2-28-18</u> Date</p>	<p><u>3/1/18</u> Date</p>

Cal OES USE ONLY

Program Specialist _____	Date _____	Unit Chief _____	Date _____
Grants Processing _____	Date _____		



GRANT SUBAWARD MODIFICATION

Cal OES 2-223 INSTRUCTIONS

9. Justification for Modification (cont.)

Due to a delay in funding and a stringent hiring and background process, it took six to eight months to fill the four positions for this grant. Additionally, an employee of one of the Community Based Organizations was out on disability (unrelated to her employment) and without replacement for two months. There has also been turnover resulting in vacancies for two of the Community Based Organizations for one to two months. Due to an increased demand our need for vouchers exceeds the amount outlined in the original proposal. We are requesting the personnel savings from the first fiscal year be redirected to additional vouchers in the second fiscal year.

PROJECT CONTACT INFORMATION

Subrecipient: County of Sonoma

Subaward #: XC16010490

Provide the name, title, address, telephone number, and e-mail address for the project contacts named below. **NOTE: If you use a PO Box address, a street address is also required for package delivery and site visit purposes.**

1. The **Project Director** for the project:

Name: Michelle Carstensen Title: Victim Services Director

Telephone #: 707-565-2822 Fax#: 707-565-2646 Email Address: michelle.carstensen@sonoma-county.org
Address/City/Zip: 600 Administration Drive Suite 212-J, Santa Rosa, CA 95403-2876

2. The **Financial Officer** for the project:

Name: Renate Amantite Title: Administrative Service Officer II

Telephone #: 707-565-3150 Fax#: 707-565-2646 Email Address: renate.amantite@sonoma-county.org
Address/City/Zip: 600 Administration Drive Suite 212-J, Santa Rosa, CA 95403-2876

3. The **person** having **Routine Programmatic** responsibility for the project:

Name: Michelle Carstensen Title: Victim Services Director

Telephone #: 707-565-2822 Fax#: 707-565-2646 Email Address: michelle.carstensen@sonoma-county.org
Address/City/Zip: 600 Administration Drive Suite 212-J, Santa Rosa, CA 95403-2876

4. The **person** having **Routine Fiscal Responsibility** for the project:

Name: Cassandra Stinson Title: Department Analyst

Telephone #: 707-565-2818 Fax#: 707-565-2646 Email Address: cassandra.stinson@sonoma-county.org
Address/City/Zip: 600 Administration Drive Suite 212-J, Santa Rosa, CA 95403-2876

5. The **Executive Director** of a Community Based Organization or the **Chief Executive Officer** (i.e., chief of police, superintendent of schools) of the implementing agency:

Name: Jill R. Ravitch Title: District Attorney

Telephone #: 707-565-3098 Fax#: 707-565-2653 Email Address: jill.ravitch@sonoma-county.org
Address/City/Zip: 600 Administration Drive Suite 212-J, Santa Rosa, CA 95403-2876

6. The **Official Designated** by the Governing Board to enter into the Grant Subaward for the City/County or Community-Based Organization, as stated in Section 14 of the Grant Subaward Face Sheet:

Name: Jill R. Ravitch Title: District Attorney

Telephone #: 707-565-3098 Fax#: 707-565-2653 Email Address: jill.ravitch@sonoma-county.org
Address/City/Zip: 600 Administration Drive Suite 212-J, Santa Rosa, CA 95403-2876

7. The **chair** of the **Governing Body** of the subrecipient:

Name: James Gore Title: Chair, Board of Supervisors

Telephone #: 707-565-2241 Fax#: 707-565-3778 Email Address: james.gore@sonoma-county.org
Address/City/Zip: 575 Administration Drive, Rm 100A, Santa Rosa CA 95403-2876

SIGNATURE AUTHORIZATION

Subaward #: XC16 01 0490

Subrecipient: County of Sonoma

Implementing Agency: District Attorney

*The **Project Director** and **Financial Officer** are **REQUIRED** to sign this form.

***Project Director:** Michelle Carstensen

Signature: 

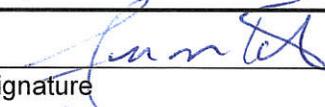
Date: 9-12-17

***Financial Officer:** Renate Amantite

Signature: 

Date: 9/12/17

The following persons are authorized to sign for the
Project Director



Signature

Jill R. Ravitch

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

The following persons are authorized to sign for the
Financial Officer



Signature

Lisa Gebhart-Longhurst

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

BUDGET CATEGORY AND LINE ITEM DETAIL

Subrecipient: County of Sonoma						Subaward #: XC1601490	
B. Operating Expenses	VOCA 15	VOCA 15 Match	VOCA 17	VOCA 17 Match			COST
(1.0 FTE x \$41,070 per year x 3.5 years = \$143,745) <i>underspent/charging only \$109,092</i>	\$47,487		\$61,605				\$109,092
YWCA -- Outreach Worker Benefits (\$41,070 x 21.74% x 3.5 = \$31,250) <i>underspent/charging only \$25,691</i>	\$12,296		\$13,395				\$25,691
YWCA -- 24/7 Hotline Operation (625 hours per year x \$20.00/hour x 3.5 years)		\$25,000		\$18,750			\$43,750
(1.0 FTE x \$40,983 per year x 3.5 years = \$143,441) <i>underspent/charging only \$113,021</i>	\$51,546		\$61,475				\$113,021
Verity -- Outreach Worker Benefits (\$40,983 x 22% x 3.5 = \$31,557) <i>underspent/charging only \$28,063</i>	\$14,538		\$13,525				\$28,063
Verity -- 24/7 Hotline Operation (625 hours per year x \$20.00/hour x 3.5 years)		\$25,000		\$18,750			\$43,750
(1.0 FTE x \$38,000 per year x 3.5 years = \$133,000) <i>underspent/charging only \$114,946</i>	\$57,869		\$57,077				\$114,946
Catholic Charities -- Outreach Worker Benefits ((\$38,000 x 31.4% x 3.5 = \$41,762) <i>underspent/charging only \$38,944</i>	\$21,046		\$17,898				\$38,944
Catholic Charities -- 24/7 Hotline Operation (625 hours per year x \$20.00/hour x 3.5 years)		\$25,000		\$18,750			\$43,750
Required training and travel for Cal OES educational conferences, workshops, outreach and presentations: Training per diem (\$50/participant x 8 participants x 2 days) = \$800. Mileage (370 miles x \$0.54) = \$200.	\$1,000						\$1,000
Travel: mileage reimbursement for Outreach Coordinator and Outreach Workers. Homeless Outreach Coordinator: 155 miles/month x \$0.54 x 24 months = \$2,008. Outreach Workers: 2 Outreach Workers x 154 miles/month x \$0.54 x 24 months = \$3,992.	\$6,000						\$6,000
Travel: mileage reimbursement for Outreach Coordinator and Outreach Workers. Homeless Outreach Coordinator: 70 miles/month x \$0.53 x 18 months = \$668. Outreach Workers: 2 Outreach Workers x 69.80 miles/month x \$0.53 x 18 months = \$1,332.			\$2,000				\$2,000
VOCA 15: Housing vouchers: \$150/voucher x 400 = \$60,000. Taxi vouchers: \$50/voucher x 200 = \$10,000. Clothing vouchers: \$50/voucher x 165 = \$8,250. Food cards: \$35/card x 200 = \$7,000. Bus tickets: \$5/ticket x 350 = \$1,750. Total : \$87,000 <i>Cost savings from July 2016 to June 2017 used towards additional vouchers in July 2017 to June 2018 due to an increased need.</i> VOCA15: Taxi vouchers: \$50/voucher x 300 = \$15,000. Clothing vouchers: \$50/voucher x 364 = \$18,200. Food cards: \$35/card x 900 = \$31,500. Bus tickets: \$5.80/ticket x 1000 = \$5,800. Gas cards \$35/card x 900 = \$31,500. HMIS: (homeless database) \$2,350. Cell Phones & minute cards: \$577. Care kits (emergency needs): \$4,002. Promotional items: (staff shirts, bags, pens) \$3,888. Total = \$112,817	\$199,817						\$199,817
VOCA 17: Housing vouchers: \$150/voucher x 120 = \$18,000.			\$18,000				\$18,000
Materials: \$100/month x 24 months	\$2,400						\$2,400
Indirect costs: Calculated at de minimis rate of 4.594% of the Modified Total Direct Costs (MTDC). Personnel =\$222,302 + Operating Expenses =\$229,217 (excluding contractors) + \$25,000 (Contractors). MTDC = \$526,519.	\$8,695		\$15,495				\$24,190
Operating Section Totals	\$422,694	\$75,000	\$260,470	\$56,250	\$0	\$0	\$814,414
OPERATING SECTION TOTAL							\$814,414

Budget Narrative

Due to a delay in funding and a stringent hiring and background process, it took six to eight months to fill the four positions for this grant. Additionally, an employee of one of the Community Based Organizations was out on disability (unrelated to her employment) and without replacement for two months. There has also been turnover resulting in vacancies for two of the Community Based Organizations for one to two months. Due to an increased demand our need for vouchers exceeds the amount outlined in the original proposal. We are requesting the personnel savings, from the Community Based Organizations, from the first fiscal year be redirected to additional vouchers in the second fiscal year.

We are requesting funds to create care kits for victims. The care kits would consist of items to help with emergency needs such as cough drops, sunscreen, toothbrushes/paste, lip balm, underwear, socks, etc. The promotional items requested include bags, for the care kit items, imprinted with the phone number to contact the outreach team and pens for the care kits and for use during outreach. Also included are printed staff shirts/vests to identify staff as a member of our agency.

Budget Narrative

The County of Sonoma requests \$524,487 to fund the proposed project, and will provide \$131,122 (25% of the request; 20% of the total project budget) in matching resources.

Descriptions and calculations for each budget category and line item are included below.

1. Personal Services – Salaries/Employee Benefits

The budget includes personal services expenses for one 1.0 FTE staff person, the Homeless Outreach Coordinator, employed by the lead applicant, the Sonoma County District Attorney's Office. The Coordinator will support Outreach Workers to assist homeless victims of crime experiencing disabling conditions find shelter and services, build strong inter-agency collaboration, develop data collection and analysis systems that can refine service strategies, build community awareness of the many facets of the issue, and bring new resources to bear on the issue. The Homeless Outreach Coordinator will be paid for 0.75 FTE of his or her time at \$96,096 (including benefits) from grant funds; the County of Sonoma will provide a match of \$32,032, covering the remaining 0.25 FTE of the position to enable the Coordinator to work full time on this project.

2. Operating Expenses

Operating expenses for the proposed project total \$503,391, consisting of \$428,391 in requested funds and \$75,000 in matching resources, for the two-year grant program, are itemized below. The project budget is designed to support the goal of increasing outreach and services for homeless victims of crime with disabling mental and/or physical conditions by achieving the following goals: 1) Assist homeless victims of crime with disabling conditions to obtain housing, health services, and social services; 2) Identify and address factors that increase the likelihood that homeless individuals with disabling conditions will become crime victims; 3) Foster coordination across the county to sustainably address multiple difficulties of homeless victims of crime with disabling conditions.

Cal OES Request:

- A 1.0 FTE Outreach Worker, located at project partner Verity, will be responsible for providing outreach and links to services for homeless victims of crime who experience disabling mental and/or physical conditions. **\$50,000** per year (including benefits) x 2 years = **\$100,000**.
- A 1.0 FTE Outreach Worker, located at project partner the YWCA of Sonoma County, will be responsible for outreach and links to services for homeless victims of crime who experience disabling mental and/or physical conditions. **\$50,000** per year (including benefits) x 2 years = **\$100,000**.
- A 1.0 FTE Outreach Worker, located at project partner Catholic Charities of the Diocese of Santa Rosa, will help to expand Catholic Charities' HOST program to provide outreach and links to services for homeless victims of crime who experience disabling mental and/or physical conditions. **\$50,000** per year (including benefits) x 2 years = **\$100,000**.
- Travel reimbursement for the Homeless Outreach Coordinator and three Outreach Workers is calculated at **\$17,000**. The Homeless Outreach Coordinator is budgeted at \$2,000 for the two-year grant period for 150 miles per month x \$0.55 per mile x 24 months for a total of \$2,000. Outreach Workers are budgeted at \$5,000 each per year for a total of \$15,000. Each Outreach Worker will be budgeted to travel 375 miles per month x \$.55 x 24 months = \$5,000.
- Required travel by project staff to Cal OES training workshops, calculated as follows:
 - Per diem costs: 8 participants x \$50/day x 2 days = \$800
 - Lodging costs: 8 participants x \$100 /night x 2 nights = \$1,600
 - Mileage: 545 miles x \$0.55 x 2 cars = \$600Total travel costs = \$800 + \$1,600 + \$600 = **\$3,000**

- Client Services for the homeless victims of crime will total **\$87,000** for the two-year grant period, \$43,500 per year. These funds will cover immediate needs of victims engaged by Outreach Workers and will include hotel vouchers, taxi vouchers, transportation to needed medical care, and miscellaneous immediate needs, such as shoes. Once the grant is funded, partners will develop a plan for accessing these funds.
- Materials are budgeted at **\$3,000**. This amount will cover the development and wide dissemination of printed, laminated cards with the three hotline numbers operated by project partners.
- Indirect costs are budgeted at **\$17,391**. The Modified Total Direct Costs (MTDC) were calculated to include the requested amount for the Outreach Coordinator position, the first \$25,000 of each of the three sub-awards to project partners, and other operational costs that are directly related to the project. This resulted in an MTDC of \$299,487. The requested indirect costs equate to 5.8% of the MTDC, well below the de Minimis rate of 10%.

Applicant Match:

A total of **\$75,000** in in-kind matching resources will be provided to the project in the category of Operational Expenses, as described below:

- Verity will contribute an in-kind match of **\$25,000** over the two-year grant period by providing certified crisis line counselors who will assist in the provision of 24/7 hot line services. The calculation for this amount is: 625 hours per year x \$20.00/hour x 2 years = \$25,000.
- The YWCA of Sonoma County will contribute a match of **\$25,000** over the two-year grant by providing 24/7 hot line counselors. The calculation for this amount is: 625 hours per year x \$20.00/hour x 2 years = \$25,000.
- Catholic Charities of the Diocese of Santa Rosa (CCDSR) will contribute a match of

\$25,000 in the form of 24/7 hot line counselors The calculation for this amount is: 625 hours per year x \$20.00/hour x 2 years = \$25,000.

3. Equipment Expenses

The budget for the proposed project does not include expenses for equipment.

Budget Rationale

a. The Project's Proposed Budget Supports the Program's Objectives and Activities

The Project Budget supports three full-time staff to conduct field outreach and link crime victims to services. This will allow the project to conduct a minimum of six outreach visits to sites where homeless individuals congregate to identify and serve homeless victims of crime with disabling conditions. A full-time Homeless Outreach Coordinator will provide support for Outreach Workers as well as support for the broader VSSC initiative.

b. Funds are allocated to minimize administrative costs and support direct services

Funds have been allocated to minimize administrative costs. The Victim Services Director and her staff will provide in-kind support as a match to the project, as described above and indicated in the line item budget.

c. Project-funded staff hold qualifications necessary for the job assignment

Staff will be hired specifically for this project and will hold the qualifications necessary for the jobs they will undertake. The Homeless Outreach Coordinator will have a strong working knowledge of principles of research and data analysis and principles of developing collaborative partnerships. Outreach Workers will have education and experience in building trusting relationships and will have strong working knowledge of resources available in Sonoma County.

Outreach Workers hired for this project will be trained by HOPE personnel to use assessment and referral tools.

- d. Project-funded staff duties and time commitments support the proposed objectives and activities

Staff duties and time commitments directly support the objectives and activities of the VSSC plan.

- e. Proposed staff commitment/percentage of time to other efforts

Paid staff for this project will be fully committed to the project and will not commit time to other efforts.

- f. The necessity for subcontracts and unusual expenditures; and mid-year salary range adjustments.

Subcontracts, unusual expenditures, and mid-year salary adjustments are not anticipated.

Standard Professional Services Agreement (“PSA”)
Revision G – June 2017

AGREEMENT FOR PROFESSIONAL SERVICES

This agreement ("Agreement"), dated as of July 1st, 2016 ("Effective Date") is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and YWCA Sonoma County (hereinafter "Consultant").

R E C I T A L S

WHEREAS, Consultant represents that it is a duly qualified domestic violence victim services provider, experienced in the preparation of domestic violence prevention programs and related services; and

WHEREAS, in the judgment of the District Attorney’s Office, it is necessary and desirable to employ the services of Consultant for the Homeless Outreach Grant.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

A G R E E M E N T

I. Scope of Services.

1.1 Consultant's Specified Services.

Consultant shall perform the services described in **Exhibit “A”**, attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), and within the times or by the dates provided for in Exhibit “A” and pursuant to Article 7, Prosecution of Work. In the event of a conflict between the body of this Agreement and Exhibit “A”, the provisions in the body of this Agreement shall control.

1.2 Cooperation With County. Consultant shall cooperate with County and County staff in the performance of all work hereunder.

1.3 Performance Standard. Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Consultant's profession. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor’s work by County shall not operate as a

waiver or release. If County determines that any of Consultant's work is not in accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with County to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.4 Assigned Personnel.

- a. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time County, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from County.
- b. Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by County to be key personnel whose services were a material inducement to County to enter into this Agreement, and without whose services County would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of County. With respect to performance under this Agreement, Consultant shall employ the following key personnel: Madeleine Keegan O'Connell.
- c. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

2. Payment. For all services and incidental costs required hereunder, Consultant shall be paid on a time and material/expense basis in accordance with the budget set forth in **Exhibit "B"**, provided, however, that total payments to Consultant shall not exceed \$125,000 in total expenditures over the 30-month term of this agreement (one-hundred twenty-five thousand dollars and zero cents) without the prior written approval of County. The payment schedule shall be as follows: \$125,000 between the dates of July 1, 2016 and December 31, 2019. Consultant shall submit its bills in arrears on a monthly basis in a form approved by County's Auditor and the Head of the County Department receiving the services. The bills shall show or include: (i) the task(s) performed; (ii) the time in quarter hours devoted to the task(s); (iii) the hourly rate or rates of the persons performing the task(s); and (iv) copies of receipts for reimbursable materials/expenses, if any. Expenses not expressly authorized by the Agreement shall not be reimbursed.

Unless otherwise noted in this Agreement, payments shall be made within the normal course of County business after presentation of an invoice in a form approved by the

County for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by the County.

Pursuant to California Revenue and Taxation code (R&TC) Section 18662, the County shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Consultant does not qualify, County requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If Consultant is qualified, then the County requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, the Consultant agrees to promptly notify the County of any changes in the facts. Forms should be sent to the County pursuant to Article 12. To reduce the amount withheld, Consultant has the option to provide County with either a full or partial waiver from the State of California.

3. Term of Agreement. The term of this Agreement shall be from July 1st, 2016 to December 31st, 2019 unless terminated earlier in accordance with the provisions of Article 4 below.

4. Termination.

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, County shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Consultant.

4.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should Consultant fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, County may immediately terminate this Agreement by giving Consultant written notice of such termination, stating the reason for termination.

4.3 Delivery of Work Product and Final Payment Upon Termination.

In the event of termination, Consultant, within 14 days following the date of termination, shall deliver to County all reports, original drawings, graphics, plans, studies, and other data or documents, in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement and shall submit to County an invoice showing the services performed, hours worked, and copies of receipts for reimbursable expenses up to the date of termination.

4.4 Payment Upon Termination. Upon termination of this Agreement by County, Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and reimbursable expenses properly incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total payment; provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, Consultant shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if County terminates the Agreement for cause pursuant to Section 4.2, County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by Consultant.

4.5 Authority to Terminate. The Board of Supervisors has the authority to terminate this Agreement on behalf of the County. In addition, the Purchasing Agent or District Attorney, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of the County.

5. Indemnification. Consultant agrees to accept all responsibility for loss or damage to any person or entity, including County, and to indemnify, hold harmless, and release County, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against County based upon a claim relating to such Consultant's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section apply whether or not there is concurrent or contributory negligence on County's part, but to the extent required by law, excluding liability due to County's conduct. County shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

6. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in **Exhibit "C"**, which is attached hereto and incorporated herein by this reference.

7. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act

of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Extra or Changed Work. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Changes which do not exceed the delegated signature authority of the Department may be executed by the Department Head in a form approved by County Counsel. The Board of Supervisors or Purchasing Agent must authorize all other extra or changed work which exceeds the delegated signature authority of the Department Head. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the County.

9. Representations of Consultant.

9.1 Standard of Care. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by County shall not operate as a waiver or release.

9.2 Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits County provides its employees. In the event County exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3 No Suspension or Debarment. Consultant warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Consultant also warrants that it is not suspended or debarred from receiving

federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration. If the Consultant becomes debarred, consultant has the obligation to inform the County

9.4 Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to indemnify and hold County harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case County is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish County with proof of payment of taxes on these earnings.

9.5 Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to County for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.6 Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if requested to do so by County, Consultant shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with County disclosing Consultant's or such other person's financial interests.

9.7 Statutory Compliance/Living Wage Ordinance. Consultant agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies, including but not limited to the County of Sonoma Living Wage Ordinance, applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, Consultant expressly acknowledges and agrees that this Agreement may be subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.

9.8 Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability,

sexual orientation or other prohibited basis, including without limitation, the County's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.9 AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

9.10 Assignment of Rights. Consultant assigns to County all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to County in this Agreement, and to refrain from taking any action which would impair those rights. Consultant's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as County may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of County. Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of County.

9.11 Ownership and Disclosure of Work Product. All reports, original drawings, graphics, plans, studies, and other data or documents ("documents"), in whatever form or format, assembled or prepared by Consultant or Consultant's subcontractors, consultants, and other agents in connection with this Agreement shall be the property of County. County shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to County all such documents, which have not already been provided to County in such form or format, as County deems appropriate. Such documents shall be and will remain the property of County without restriction or limitation. Consultant may retain copies of the above-described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of County.

9.12 Authority. The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Consultant.

10. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After

receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits County's right to terminate this Agreement pursuant to Article 4.

11. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO: COUNTY: Office of the District Attorney
 Attn: Michelle Carstensen
 600 Administration Drive, RM 212J
 Santa Rosa, CA 95403

TO: CONSULTANT: Verity
 Attn: Chris Castillo
 835 Piner Road, Suite D
 Santa Rosa, CA 95403

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

13. Miscellaneous Provisions.

13.1 No Waiver of Breach. The waiver by County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2 Construction. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and County acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3 Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4 No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5 Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the city of Santa Rosa, in the County of Sonoma.

13.6 Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

13.8 Survival of Terms. All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

13.9 Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT: Verity

COUNTY: COUNTY OF SONOMA

By: Cheri Carter

Name: Christine Castillo

Title: Executive Director

Date: 11/26/17

CERTIFICATES OF INSURANCE ON FILE WITH AND APPROVED AS TO SUBSTANCE FOR COUNTY:

By: [Signature]
Department Head

Date: 11/21/17

Addendum A: Scope of Work for the Homeless Outreach Grant

The Outreach Workers will hold qualifications necessary for the job assignment and must be hired specifically for this project. Outreach Workers will have education and experience in building trusting relationships and working knowledge of the resources available in Sonoma County. Each agency will provide their own internal training and additional training will be provided by HOST personnel on using the assessment and referral tools. Staff is expected to be fully committed to the project and will not commit time to other efforts. Outreach Workers will provide direct outreach to homeless victims of crime focusing on those experiencing disabling mental and physical conditions. Outreach Workers will engage individuals in a vulnerability assessment and link victims to ongoing, comprehensive care as well as to prosecution, compensation and restitution. Goal 1: Assist homeless victims of crime with disabling conditions to obtain housing, health services and social services; Goal 2: Identify and address factors that increase the likelihood that homeless individuals that have disabling conditions will become crime victims; and Goal 3: Foster coordination across the county to sustainably address multiple difficulties of homeless victims of crime with disabling conditions. Outreach Workers will coordinate efforts with HOST to provide services as a mobile unit. Regular schedules for visiting fixed sites such as churches, shelters, day centers, clinics, libraries, community centers, encampments, etc. will be set. A service plan will be implemented based on identification of needs for individuals participating.

Core services provided by partners will include:

- Outreach to unsheltered individuals
- Use of the Vulnerability Index Service Priority Decision Assistance Tool
- Provision of emergency resources and services
- Coordinated intake to encourage clients to participate in full screening
- Transportation through HOST to shelter and housing
- Provision and tracking of vouchers (food, housing, transportation and clothing)
- Law enforcement support as needed
- 24/7 hotline resource cards will be distributed to each client

The Outreach Workers and Coordinator will meet weekly to share data on services provided that the Coordinator will track. This team will present a training session each year focusing on addressing the barriers that prevent homeless crime victims from reporting crimes and following through on prosecution. In addition, all partner agencies will share protocols and coordinate activities through regular project meetings. Invoicing for services will be done monthly and is limited to salary, benefits, training and travel. Travel mileage reimbursement is limited to 385 miles per month at the rate of \$0.54 per mile per Outreach Worker. Other than internal training any additional training conferences and workshops should be preapproved and attended by all staff funded through this grant.

Exhibit B - Payment Schedule

Fiscal Year 2016 - 2017	Fiscal Year 2017 - 2018	Fiscal Year 2018 - 2019	Fiscal Year 2019 - 2020
\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 25,000.00

Month	Maximum Monthly Invoice	
July 2016	\$ 4,166.67	Funds not available
August 2016	\$ 4,166.67	Funds not available
September 2016	\$ 4,166.67	Funds not available
October 2016	\$ 4,166.67	Funds not available
November 2016	\$ 4,166.67	Completed
December 2016	\$ 4,166.67	Completed
January 2017	\$ 4,166.67	Completed
February 2017	\$ 4,166.67	Completed
March 2017	\$ 4,166.67	Completed
April 2017	\$ 4,166.67	Completed
May 2017	\$ 4,166.67	Completed
June 2017	\$ 4,166.67	Completed
July 2017	\$ 4,166.67	Completed
August 2017	\$ 4,166.67	Completed
September 2017	\$ 4,166.67	Completed
October 2017	\$ 4,166.67	
November 2017	\$ 4,166.67	
December 2017	\$ 4,166.67	
January 2018	\$ 4,166.67	
February 2018	\$ 4,166.67	
March 2018	\$ 4,166.67	
April 2018	\$ 4,166.67	
May 2018	\$ 4,166.67	
June 2018	\$ 4,166.59	
July 2018	\$ 4,166.67	
August 2018	\$ 4,166.67	
September 2018	\$ 4,166.67	
October 2018	\$ 4,166.67	
November 2018	\$ 4,166.67	
December 2018	\$ 4,166.67	
January 2019	\$ 4,166.67	
February 2019	\$ 4,166.67	
March 2019	\$ 4,166.67	
April 2019	\$ 4,166.67	
May 2019	\$ 4,166.67	
June 2019	\$ 4,166.67	
July 2019	\$ 4,166.67	
August 2019	\$ 4,166.67	
September 2019	\$ 4,166.67	
October 2019	\$ 4,166.67	

November 2019	\$	4,166.67
December 2019	\$	4,166.65
Total Contract Amount	\$	125,000.00

Funds not available July, 2016 through October, 2016.

Exhibit C

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Consultant from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers Compensation and Employers Liability Insurance

- a. Required if Consultant has employees as defined by the Labor Code of the State of California.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. Required Evidence of Insurance: Certificate of Insurance.

If Consultant currently has no employees as defined by the Labor Code of the State of California, Consultant agrees to obtain the above-specified Workers Compensation and Employers Liability insurance should employees be engaged during the term of this Agreement or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Commercial Umbrella Liability Insurance. If Consultant maintains higher limits than the specified minimum limits, County requires and shall be entitled to coverage for the higher limits maintained by Consultant.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by County. Consultant is responsible for any deductible or self-insured retention and shall fund it upon County's written request, regardless of whether Consultant has a claim against the insurance or is named as a party in any action involving the County.
- d. Sonoma County District Attorney's Office shall be endorsed as additional insureds for liability arising out of operations by or on behalf of the Consultant in the performance of

this Agreement.

- e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the "f" definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between the additional insureds and Consultant and include a "separation of insureds" or "severability" clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limits may be provided by a combination of Automobile Liability Insurance and Commercial Excess or Commercial Umbrella Liability Insurance.
- b. Insurance shall cover all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Insurance shall cover hired and non-owned autos.
- d. Required Evidence of Insurance: Certificate of Insurance.

4. Professional Liability/Errors and Omissions Insurance

- a. Minimum Limits: \$1,000,000 per claim or per occurrence; \$1,000,000 annual aggregate.
- b. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by County.
- c. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work.
- d. Coverage applicable to the work performed under this Agreement shall be continued for two (2) years after completion of the work. Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.
- e. Required Evidence of Insurance: Certificate of Insurance.

5. Standards for Insurance Companies

Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

6. Documentation

- a. The Certificate of Insurance must include the following reference: Sonoma County Family Justice Center
- b. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Insurance on file with County for the entire term of this Agreement and any additional periods if specified in Sections 1 – 4 above.
- c. The name and address for Additional Insured endorsements and Certificates of Insurance is: Sonoma County Family Justice Center, 2755 Mendocino Ave #100, Santa Rosa, CA 95403.
- d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- e. Consultant shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

7. Policy Obligations

Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

8. Material Breach

If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. County, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, County may purchase the required insurance, and without further notice to Consultant, County may deduct from sums due to Consultant any premium costs advanced by County for such insurance. These remedies shall be in addition to any other remedies available to County.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 18
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors, County of Sonoma

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Fire and Emergency Services

Staff Name and Phone Number:

Jim Colangelo / 565-1152

Supervisorial District(s):

All Districts

Title: Fire Services Project Update

Recommended Actions:

- A. Accept an update on the Fire Services Project.
- B. Authorize the Interim Director of Fire and Emergency Services to Enter into an Agreements with the fire agencies listed in Attachment 1 to maintain existing service levels.

Executive Summary:

This item presents an update on the Fire Services Project. On August 14, 2018, the Board approved the Sonoma County Comprehensive Fire Service Deployment Plan (Fire Service Deployment Plan), and priority steps to begin the implementation of the Plan. The Fire Service Deployment Plan provides a framework to staffing existing and proposed new stations throughout the County, adding over 200 paid first responders, ensuring stations and apparatus are properly maintained, and enhancing fire prevention efforts.

In approving this Plan, the Board also approved the three Priority Steps and this item seeks authorization to enter into agreements with five Fire Districts to assist with maintaining service levels, consistent with Priority Step Two adopted by the Board. The Fire Implementation Ad Hoc is recommending the allocation of existing funds from the Fire Services Project to implement these three Priority Steps.

Discussion:

On August 14, 2018, the Board approved several recommendations related to the Fire Services Project, including the creation of a new Fire Services Project Ad-Hoc and Strategic Leadership Group, and the approval of the Fire Services Deployment Plan, which is supported through the implementation of three priority steps.

1. Implement the service levels identified in the Fire Services Deployment plan for the Volunteer Fire Companies that can accommodate staffing at this time.
2. Ensure that services levels in the County are maintained by providing financial support to those agencies that require assistance.
3. Create a countywide Apparatus Replacement Program to provide that all first out apparatus is less than 20 years old, thereby improving safety and reliability.

Update on Priority Steps

Priority Step 1: The Plan ultimately anticipates paid staff at five locations throughout CSA 40, although only two of those stations (Bodega and Wilmar) are currently capable of housing 24/7 paid staff. Of the other three stations, the Mountain Station will require significant site improvements prior to being able to house full-time staff, and the Lakeville and Bloomfield Stations will require the construction of new fire stations in more strategic locations.

In order to initiate this process, it has been determined that the most cost effective approach is to contract with another fire agency for the paid staff that will be located in the Bodega and Wilmar Stations. This approach will allow for a more expeditious recruitment process and could facilitate future consolidation efforts.

The Gold Ridge Fire Protection District has proposed to hire the necessary staff, including providing supervision and administrative support. This will provide a more efficient service delivery model, in that existing supervision and administrative support already provided by the District can be utilized to share costs to the new service area. North Bay Fire (previously the Volunteer Fire Company Association) is currently reviewing the proposal and staff will return in the near future with a recommendation on this item.

Priority Step 2: All fire agencies in the County were contacted to determine if any were facing the potential to reduce service levels in the current fiscal year. Five agencies responded with requests (Attachment 1) totaling \$882,737. After review by the Chiefs' Strategic Leadership Group (SLG) and the Fire Implementation Ad Hoc, all five requests are being recommended for funding, with the understanding that the support is one-time in nature. Furthermore, this funding is being provided to each agency with a condition that the agency support efforts towards consolidation, and that any future funding requests to support of the Fire Services Deployment Plan must include an analysis of all options that have been considered to increase revenues and/or decrease expenditures prior to seeking funding in the future.

Priority Step 3: While the Fire Service Deployment Plan anticipates a comprehensive apparatus replacement program if funding is identified, this step would initiate this program in a more limited manner. Under consideration is the purchase of both engines and water tenders through a lease program. These new pieces of apparatus would replace apparatus that is over 30 years old throughout various parts of the County. While the intent is to replace the oldest apparatus, agreements still need to be reached on where to place the newest apparatus (in places where the call volume would warrant new apparatus) and how to move older, but still safe and reliable equipment to the agencies that currently house the apparatus being replaced. Once the details of this replacement program are determined, staff will present the leasing program to the County's Debt Committee and then make a recommendation to the Board.

Prior Board Actions:

08/14/2018: Approved the Fire Services Deployment Plan and the Priority Steps

06/11/2018: Received an Update on the Fire Services Project

07/19/2016: Approved allocating a percentage of Transient Occupancy sales tax funds towards fire services.

04/19/2016: Adopt a resolution creating the Fire Services Advisory Council and appointing its initial members.

12/09/2015: Receive the interim report on the Fire Services Project and give direction on recommendations of the Advisory Committee

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community			
Fire and emergency services are critical to the safety, health, and well-being of Sonoma County’s residents and visitors.			
Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$882,737	0	0
Additional Appropriation Requested			
Total Expenditures	\$882,737	0	0
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance	\$882,737	0	0
Contingencies			
Total Sources	\$882,737	0	0
Narrative Explanation of Fiscal Impacts:			
<p>The Board authorized a total of \$2.5 million during FY 18-19 Budget Hearings to support the Fire Service Project activities. There is also a Fund Balance of \$1.5 million available and due to the one-time nature of this funding, it is recommended that the Fire Services Project fund balance be utilized for this purpose. A remaining balance of approximately \$600,000 will be available to support the other Fire Service Project priorities. This item does not request specific additional funding for fire. If fully implemented, the cost of the Staffing and Deployment Plan would be \$42.5 million. Staff has been directed and is working with the SLD to explore funding alternatives, including a 2019 tax measure to fund the plan.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			
Attachments:			
List of Districts Receiving Funds (A1)			
Related Items “On File” with the Clerk of the Board:			
None.			

List of Fire Agencies to Enter into Agreements with:

Windsor – SAFER Grant - \$198,737

In 2017, Windsor was awarded a SAFER Grant that funded 3 firefighters that allowed Windsor to go to 3.0 staffing. Approval of the funding will allow Windsor to retain the firefighters for this fiscal year and next. This staffing level is supported in the Fire Deployment Plan.

Bodega Bay – Maintain 3.0 Staffing - \$200,000

Based on projected spending levels for this year, Bodega Bay will not be able to maintain 3.0 staffing without this funding. This staffing level is supported in the Fire Deployment Plan.

Cazadero – Amador Station - \$314,000 (Contract will be with Cal Fire)

Monte Rio has discontinued their funding for an Amador Station, which Cazadero relied on for mutual aid during winter months. An Amador Station in Cazadero is part of the Fire Deployment Plan.

Timber Cove – Stipends - \$90,000

Zone 4 relies on volunteers as much as any other area in the County. This funding will allow Timber Cove to continue their volunteer stipend program and for that program to be expanded to volunteers in Fort Ross as well.

Consolidation Project Funding - \$80,000

Originally requested as funding to allow for the Russian River Fire District to move from a part-time to full-time Chief, the funding is now being considered for studies, facilitation efforts, and possible legal analysis that will support consolidation efforts in the area.

Total = \$882,737

This funding approval is a one-time only commitment of funds and there is no promise or guarantee of funding in future years.

It should also be understood that by accepting this funding, your agency is committing to work collaboratively with other agencies in your region to improve the efficiency of fire services through the consolidation of agencies, and that any future funding requests from these agencies be submitted with an analysis of all options that have been considered to increase revenues and/or decrease expenditures prior to seeking funding in the future.



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 19

(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors, County of Sonoma

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Fire and Emergency Services

Staff Name and Phone Number:

James Williams / 565-1154

Supervisory District(s):

All Districts

Title: Vegetation Management Inspection Agreements with Fire Protection Districts Enforcing County Ordinance No. 6148, Abatement of Hazardous Vegetation and Combustible Materials.

Recommended Actions:

Authorize the Director of Fire and Emergency Services to enter into agreements with local Fire Protection Districts to implement a Vegetation Management Inspection Program in partnership with the Sonoma County Fire Prevention Division to reduce vegetation fuel loads and enhance public safety. The program will be active for a term of one year, as funding permits, not-to-exceed \$500,000 in Fiscal Year 2018-19; any remaining funds to carry over to Fiscal Year 2019-20.

Executive Summary:

On June 14, 2018, the Board of Supervisors adopted the Fiscal Year 2018-2019 Budget and allocated \$500,000 for the purpose of conducting vegetation management inspection and enforcement activities. This funding enables the Fire Districts and Sonoma County Fire Prevention Division to increase the number of inspections to enhance public safety. Recognizing the importance of partnering with other local jurisdictions to support fire safety, the Fire Prevention Division proposes the use of the attached Agreement (Attachment 1) as the mechanism to compensate Fire Protection Districts in the unincorporated areas of Sonoma County for implementing vegetation management inspection activities. Under this Agreement, the County will reimburse Fire Protection Districts for staff time to conduct vegetation management inspections and provide assistance to support enforcement activities. This funding, authorized by the Board of Supervisors, enables the Fire Prevention Division to implement inspections as a component of a comprehensive vegetation management program working with partnering agencies within multiple target areas (Attachment 3) in advance of next year's fire season. The funding will also be used to address numerous complaints in districts outside the jurisdiction of the Fire Prevention Division.

Discussion:

Over the last decades, increases in temperature and decreased humidity have enhanced fuel aridity across the western United States. Between 1984 and 2015 the increase in dry fuels approximately doubled the western U.S. forest fire area beyond that expected from natural climate variability alone. This Program supports continuous removal of hazardous vegetation and combustible material for fire prevention through community education and inspections, and by actively involving residents in creating and maintaining wildfire-resilient homes and landscapes.

There are a wide variety of specific factors that contribute to home ignition from wildland fire. Defensible space, especially when accomplished community-wide, is one of the most important means to prevent home ignition. Targeted inspections and enforcement are extremely effective means of educating residents, moving them to community-wide compliance. Communities where all properties are compliant with defensible space regulations can have significantly reduced risks to life and property in the event of wildfire.

Ultimately, property owners are required to maintain 100 feet of defensible space around buildings. This program will allow us to address the risk posed by overgrown vegetation near homes and on unimproved lots throughout the County.

On April 19, 2016, the Sonoma County Board of Supervisors ratified Ordinance No. 6148 requiring the abatement of hazardous vegetation and combustible materials, adding Chapter 13A to the Sonoma County Code. The purpose of this Ordinance is to support community safety and reduce the risks and threats associated with wildfire by ensuring that hazardous vegetation and combustible materials are removed on properties with buildings (“improved”) and without buildings (“unimproved”) in the unincorporated areas of Sonoma County. The Ordinance was implemented as a pilot inspection with enforcement program in two areas of the County (Fitch Mountain and the Mayacamas Volunteer Fire Department response area) for two years. This pilot inspection and enforcement program expired May 19, 2018, and the Ordinance is now applicable in the entire unincorporated county.

Using Ordinance No. 6148 in Conjunction with Sonoma County Fire Districts

Effective May 19, 2018, at the expiration of the pilot program, the Ordinance became enforceable in the entire unincorporated County. The Sonoma County Fire Marshal has been in active communication with all Sonoma County Fire Districts to ascertain whether they would like to participate in the collaborative inspection program. Several Fire Districts have indicated interest and are in discussions with their governing boards and County staff to determine their level of participation.

For districts with whom Sonoma County Fire Prevention Division has current fire inspection agreements (Graton, Schell-Vista and Occidental), the Fire Prevention staff will conduct the vegetation management inspections. Whether inspections are conducted by local fire districts or Sonoma County Fire Prevention Division, abatement proceedings will be administered by Sonoma County Fire Prevention staff. Abatement proceedings consist of legal noticing to property owners, providing them an opportunity to appeal the inspection results, and if non-compliant, abating the property by cutting or removing the vegetation and combustible material that were the cause of violation, and billing the property owner for all costs associated with the abatement. If the bill is not paid by the property owner, a lien can be placed on the property to recover the cost of abatement.

Complaint-Driven Inspection Process

Sonoma County Fire Prevention Staff has always inspected vegetation complaints in areas under its jurisdiction. Ordinance No. 6148 added an important enforcement component to bring properties into compliance and remove hazardous vegetation or combustible materials on a specific parcel. If a property is not under County Fire’s jurisdiction, Staff will refer it to the local Fire District, who may carry out inspections.

Year-to-date, Staff have received 132 vegetation complaints—nearly double the number received last year (68). All 48 of the complaints received within the Fire Prevention Division’s jurisdiction have been inspected; 23 of the inspected parcels were cleared after the first inspection and 25 have received a second notice of violation and will be abated unless either a hearing is requested or the property is brought into

compliance prior to the contractor arriving on-site to bring the property into compliance. In addition, Staff are following up with districts to identify inspection outcomes on the 84 parcels that were referred.

Community-Wide Proactive Inspection Program

In the spring of 2019, the Fire Prevention Division will begin proactive community-wide inspections in conjunction with fire agency partners that enter into agreements with the County. The areas to be inspected and specific number of properties will be identified in collaboration with the local Fire District and Sonoma County Fire Prevention Division. Staff is in the process of reviewing proposals received from CAL FIRE and will coordinate with fire agency partners to evaluate the best methodology for beginning a proactive community-wide inspection program. Staff will return in December or January with further details and recommendations, including potential funding sources from the state that have been recently enacted through legislation to support vegetation management and fire prevention efforts.

Data Collection Process

Inspection results will be tracked using a software program called “Collector App.” Collector App is an ESRI GIS-based platform which provides inspectors with accurate maps and parcel data while they are in the field. During an inspection, all inspection information, including specific violations are entered into Collector App. All inspection data from Collector App is downloaded into Excel format, with any photos linked to the inspection. Sonoma County Fire Prevention Division will track and analyze all inspection data on a per-parcel and collective scale so progress can be monitored across all target inspection areas (Attachment 2).

EDUCATIONAL AND COMMUNITY BENEFITS:

A robust vegetation management inspection outreach program will take place in all supervisorial districts. We will use community meetings, social media and print media to announce upcoming inspections, and familiarize residents with defensible space requirements so they know what to do before the inspection program begins. An inspection program provides the opportunity for fire officials to explain actions that will improve wildfire safety while allowing residents to ask specific questions about their property. Information delivered by a fire inspector is more likely to be understood and acted upon. In the future, adding funding for a robust communications and public outreach component will further enhance the educational benefits of the inspection program. The best results of fire prevention in the Wildland Urban Interface will be achieved when entire communities have embraced the concept of defensible space. This is especially valuable in areas where house to house ignition during a wildfire is a concern.

SUMMARY

This report seeks authorization for the Director of Fire and Emergency Services to enter into agreements for a term of one year, as funding permits, not-to-exceed \$500,000. Staff anticipates approximately \$75,000 will be expended, to address existing and future complaints through the end of 2018. The remaining balance will be available for proactive inspections in targeted areas to be completed before the end of the fiscal year. Staff will return to the Board in December 2018 or January 2019 for consideration of Inspection Program proposals developed by CAL FIRE and the proposal developed by County Staff working with local Fire Protection Districts.

Prior Board Actions:

- 07/11/2017: Accepted Update on Vegetation Management Ordinance
- 04/19/2016: Ratified Ordinance No. 6148 Requiring the Abatement of Hazardous Vegetation and Combustible Materials

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

This Agreement provides for vegetation inspection services by Fire Protection Districts in the unincorporated portions of Sonoma County to reduce risks to life, property, and the environment.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$500,000	-0-	-0-
Additional Appropriation Requested			
Total Expenditures	\$500,000	-0-	-0-
Funding Sources			
General Fund/WA GF	\$500,000	-0-	-0-
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$500,000	-0-	-0-

Narrative Explanation of Fiscal Impacts:

The total cost of the agreements will not exceed \$500,000. Funding for this program were authorized on June 11, 2018, and are budgeted for in the 2018-2019 budget. Options for sustainable funding will need to be identified during the period of performance.

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
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Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Agreement (A1); Vegetation Management Inspector Application (A2); List of Agencies (A3)

Related Items "On File" with the Clerk of the Board:

None.

S:\BOS AGENDA\Fire\Fire Ordinances\10-23-2018 FES Veg Mgmt Insp Agrees\10-23-2018 Veg Mgmt Insp Agrees_Summ.docx

**AGREEMENT BY AND BETWEEN _____ PROTECTION DISTRICT
AND THE COUNTY OF SONOMA FOR HAZARDOUS VEGETATION PROGRAM**

This Agreement is made and entered into this ____ day of _____, 2018, by and between _____ Fire Protection District, a public entity ("District"), and the County of Sonoma, a political subdivision of the State of California ("County").

RECITALS

- A. County has adopted Chapter 13A of its municipal code entitled, "Abatement of Hazardous Vegetation and Combustible Material."
- B. Pursuant to in authority conferred in Chapter 13A, Sections 13A-3(d) and 13A-5(b) of the County of Sonoma's Municipal Code, the County Fire Chief can delegate to Chiefs of local Fire Protection Districts the authority to enforce the County of Sonoma's Hazardous Vegetation Ordinance to the within the territory of their Fire Protection District.
- C. The County Fire Chief deems is advisable to delegate such authority to the Chief of _____ Fire Protection District to enforce Chapter 13A of the County of Sonoma's Municipal Code.
- D. The delegation described above confers on the Chief of _____ Fire Protection District the authority to conduct inspections of properties within the territory of _____ Fire Protection District for compliance with the County's Hazardous Vegetation Ordinance pursuant to Section 13A-5(c) of the County of Sonoma Municipal Code, and to issue Notices of Violation and Orders to Abate pursuant to Sections 13A-7(a) and (b) of the County of Sonoma Municipal Code.
- E. The Chief of _____ Fire Protection District is willing to accept the above described delegation on the terms and conditions of this Agreement.

AGREEMENT

1. **RECITALS.**

1.1. All of the foregoing recitals are true and correct.

2. **DISTRICT'S RESPONSIBILITIES.**

DISTRICT shall complete the following:

- 2.1 **Scope of Work.** District agrees to conduct inspections of properties within the territory of _____ Fire Protection District for compliance with the County's Hazardous Vegetation Ordinance pursuant to Section 13A-5(c) of the County of Sonoma Municipal Code, and to issue Notices of Violation and Orders to Abate pursuant to Sections 13A-7(a) and (b) of the County of Sonoma Municipal Code.

County and District shall collaboratively work to develop a work program to proactively identify priority parcels for inspection prior to the District inspecting properties or expending funds.

All work shall be performed in accordance with the requirements of applicable federal, state, and local laws.

- 2.2 Services Not Included. The Scope of Work of this Agreement *does not* include conducting summary abatements of any public nuisance pursuant to Section 13A-6 of the County of Sonoma Municipal Code. If District determines a violation of the County's Hazardous Vegetation Ordinance constitutes a public nuisance, District shall refer that violation to County immediately and the County will determine the need to utilize the summary abatement proceeding. If the County determines summary abatement proceedings are warranted, those proceedings will be conducted by the County.

Additionally, County will continue to implement the appeals hearing process pursuant to Section 13A-7(c), the abatement process pursuant to Sections 13A-7(d) – (f), and the pursuit of other remedies pursuant to Section 13A-9 of the County of Sonoma Municipal Code. If District receives any written request for an appeal hearing pursuant to Section 13A-7(c)(2) of the County of Sonoma Municipal Code, District shall forward such request to County immediately.

- 2.3 Indemnification. District agrees to accept all responsibility for loss or damage to any person or entity, including the County of Sonoma, and to indemnify, hold harmless, and release the County of Sonoma and its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including District, that arise out of, pertain to, or relate to District's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. District agrees to provide a complete defense for any claim or action brought against the County of Sonoma based upon a claim relating to District's or its agents', employees', contractors', subcontractors', or invitees' performance or obligations under this Agreement. District's obligations under this Paragraph apply whether or not there is concurrent or contributory negligence on the part of the County of Sonoma, but, to the extent required by law, excluding liability due to conduct of the County of Sonoma. The County of Sonoma shall have the right to select its legal counsel at District's expense, subject to District's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for District or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

- 2.4 Statutory Compliance/Living Wage Ordinance. District agrees to comply, and to ensure compliance by its subconsultants or subcontractors, with all applicable federal, state and local laws, regulations, statutes and policies, including but not limited to the County of Sonoma Living Wage Ordinance, applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, District expressly acknowledges and agrees that this Agreement may be subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.

2.5 Insurance. With respect to performance of work under this Agreement, District shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit A, which is attached hereto and incorporated herein by this reference.

3. **PAYMENT AND TERM.**

3.1 District shall be paid on a time and material/expense basis at the rate of \$53.00 per hour, provided, however, that total payments to District shall not exceed \$_____ without the prior written approval of County. District shall submit its bills in arrears on a monthly basis in a form approved by County's Auditor and the Head of the Fire and Emergency services Department.

3.2 Unless otherwise noted in this Agreement, payments shall be made within the normal course of County business after presentation of an invoice. The invoice shall show or include: (i) the task(s) performed; (ii) the time in quarter hours devoted to the task(s); (iii) the hourly rate or rates of the persons performing the task(s); and (iv) copies of receipts for reimbursable materials/expenses, if any. Expenses not expressly authorized by the Agreement shall not be reimbursed.

3.3 Pursuant to California Revenue and Taxation code (R&TC) Section 18662, the COUNTY shall withhold seven percent of the income paid to DISTRICT for services performed within the State of California under this agreement, for payment and reporting to the California Franchise Tax Board, if DISTRICT does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If District does not qualify, County requires that a completed and signed Form 587 be provided by the District in order for payments to be made. If District is qualified, then the County requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, the District agrees to promptly notify the County of any changes in the facts. Forms should be sent to the County pursuant to Paragraph 5.10. To reduce the amount withheld, District has the option to provide County with either a full or partial waiver from the State of California.

3.4 Term of Agreement. The term of this Agreement shall be from July, 1, 2018 to June 30, 2020, or upon exhaustion of the funds described in Paragraph 3.1, whichever occurs earlier, unless terminated earlier in accordance with the provisions of Article 5 below.

4. **TERMINATION.**

4.1 Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, County shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to District.

4.2 Termination for Cause. Notwithstanding any other provision of this Agreement, should DISTRICT fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, County may immediately terminate this Agreement by giving District written notice of such termination, stating the reason for termination.

4.3 Payment Upon Termination. Upon termination of this Agreement by County, District shall be entitled to receive as full payment for all services satisfactorily rendered and reimbursable expenses properly incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by District bear to the total services otherwise required to be performed for such total payment; provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, District shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if County terminates the Agreement for cause pursuant to Section 4.2, County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by District.

4.4 Authority to Terminate. The Board of Supervisors has the authority to terminate this Agreement on behalf of the County. In addition, Fire and Emergency Services Department Head, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of the County.

5. **MISCELLANEOUS REQUIREMENTS**

5.1. Authority to Amend Agreement. Changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties.

5.2. No Waiver of Breach. The waiver by County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or promise or any subsequent breach of the same or any other term or promise contained in this Agreement.

5.3. Construction. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. District and County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. District and County acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

5.4. No Third-Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

5.5. Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California excluding the law of conflicts. Any

action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in the County of Sonoma.

- 5.6. Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.
- 5.7. Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure section 1856. Each Party acknowledges that, in entering into this Agreement, it has not relied on any representation or undertaking, whether oral or in writing, other than those which are expressly set forth in this Agreement. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.
- 5.8. Survival of Terms. All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.
- 5.9. Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.
- 5.10 Notices. Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO: COUNTY:

[Department name, address, and email
Facsimile number may be included]

TO: DISTRICT:

[DISTRICT name, address and email
Facsimile Number may be included]

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant

to this paragraph.

- 5.11 Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.
- 5.12 Authority. The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of District.
- 5.13 Nondiscrimination. Without limiting any other provision hereunder, District shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the County's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.
- 5.14 Records Maintenance. District shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to County for inspection at any reasonable time. District shall maintain such records for a period of four (4) years following completion of work hereunder.
- 5.15 Status of District. The parties intend that District, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. District is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits County provides its employees. In the event County exercises its right to terminate this Agreement, County expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

FIRE
PROTECTION DISTRICT

COUNTY OF SONOMA

By: _____
Title:

By: _____
Interim Director, Fire and Emergency Services

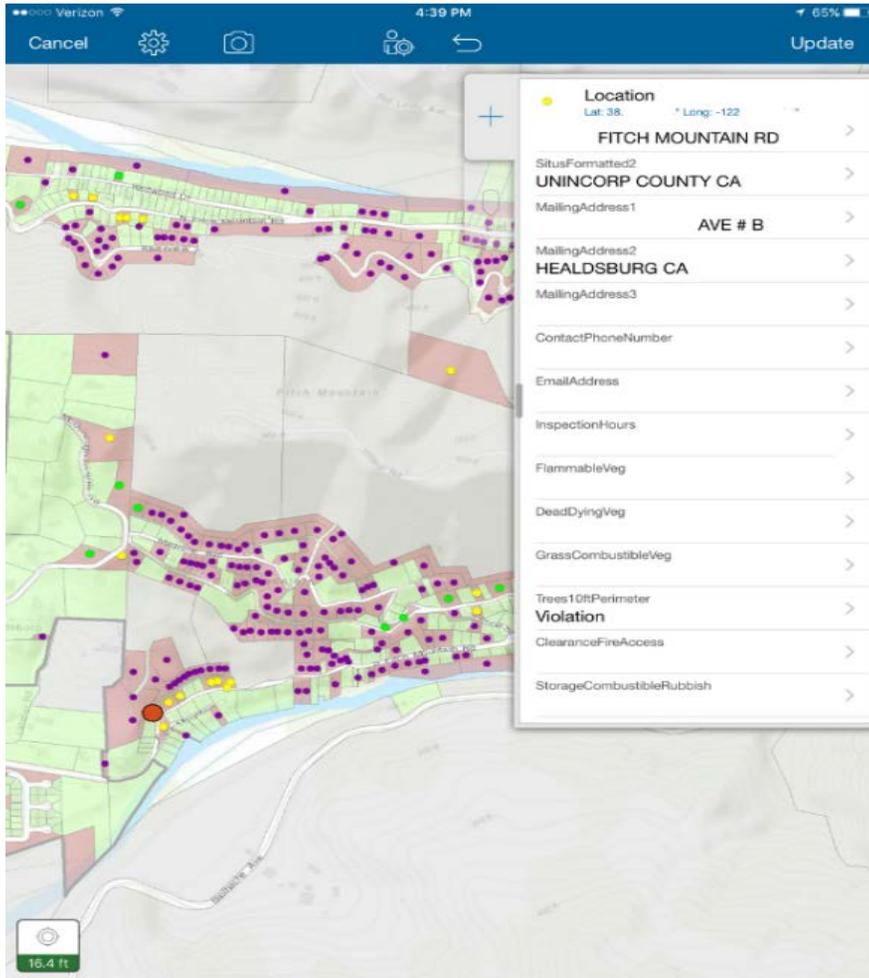
Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Deputy County Counsel

ESRI Collector App: Vegetation Management Inspector Application



This graphic is an example of the home screen of the collector App Inspection platform.

Collector app tracks the inspector's location in reference to approximate parcel lines.

When inspectors click on a particular parcel, parcel data from Assessors records is pre-populated in the inspection form. Inspection data, such as observed violations, are noted in the app, and any site photos are appended to the site record.

This data is downloaded in a spreadsheet (see following page.)

Map Key	
	Unimproved Parcel
	Unimproved Parcel
	Parcels outside of County jurisdiction or larger than 5 acres
	Inspected, No violation
	Inspected, First Violation
	Inspected, Second Violation
	Uninspected

ESRI Collector Map Vegetation Management Inspector Application: Inspection data

Collector App collects 45 data elements for improved parcels, and 29 elements unimproved parcels. Some data, such as site address and property owner are downloaded into Collector from the County database. Inspection elements, such as noted violations, comments, and photos are captured per parcel. We can then download inspection data into Excel spreadsheets to track per-parcel and program-wide progress and analysis. Following is a limited example of the data download.

Inspect Last Name	Inspect Date	Inspect Status No	Can Be Inspected	Address Visible	Street No	STREET NAME	CITY	OWNER MAILING ADDRESS	INSPECTION TIME
Smith	10/3/17	1st	Yes	Yes - Without Reflective	111	Street	Town		15 min
Smith	8/8/17	2nd	Yes	Yes - Without Reflective	111	Street	Healdsburg		15 min

A_REMOVE ALL BRANCHES WITHIN 10 FT OF ANY CHIMNEY OR STOVEPIPE	B_REMOVE LEAVE NEEDLES	C_REMOVE DEAD DYING TREES BRANCHES	D_REMOVE DEAD DYING GRASS PLANTS	E_REMOVE DYING GRASS LEAVES NEEDLES	F_REMOVE FLAMMABLE VEGETATION	G_RELOCATE EXPOSED WOOD PILES	H_CUT ANNUAL GRASSES FOR BRANCHES	I_REDUCE FUEL SEPARATION CTC GUIDE	J_ALL EXPOSED WOOD PILES 10' CLEAR
			Violation						
	Violation		Violation				Violation		

List of Agencies to Enter Into Vegetation Management Agreements With:

Bennett Valley FPD
Bodega Bay FPD
Cloverdale FPD
Forestville FPD
Geyserville FPD
Gold Ridge FPD
Kenwood FPD
Rancho Adobe FPD
Rincon Valley FPD
Windsor FPD
<i>Sonoma Valley Fire and Rescue Authority (Includes Glen Ellen and Valley of the Moon FPDs)</i>



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 20
(This Section for use by Clerk of the Board Only.)

To: Sonoma County Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): General Services / Department of Health Services

Staff Name and Phone Number:

Caroline Judy, General Services: 565-8058
Barbie Robinson, Department of Health Services:
565-7876

Supervisorial District(s):

Title: Lease Amendment for Department of Health Services at 490 Mendocino Avenue, Santa Rosa

Recommended Actions:

Authorize the Clerk to publish a notice, declaring the Board's intention to execute a Lease Amendment with 490 MENDOCINO T.I.C (Landlord), for office space at 490 Mendocino Avenue, Suites 101, 102, 103, Santa Rosa; to extend the lease for a six month period to expire May 31, 2019, at a rental rate of \$21,760.90 per month (\$2.27per sq. ft.), to allow the Department of Health Services' Health Policy, Planning and Evaluation Unit (HPPE) to continue uninterrupted operations on the Premises while it waits for tenant improvements to be completed at its future location at 1450 Neotomas Avenue, Santa Rosa.

Executive Summary:

This item seeks Board approval to authorize the Clerk of the Board to publish a notice declaring the Board's intent to execute a Lease Amendment (Amendment) for 9,605 square feet of office space located at 490 Mendocino Avenue, Suites 101, 102, 103, Santa Rosa (Premises). The Amendment will allow a six month lease extension, from December 1, 2018 through May 31, 2019, at a rental rate of \$21,760.90 per month Full Service, unchanged from the previous 12 month's rental rate. The Amendment will allow the Department of Health Services' Health Policy, Planning and Evaluation Unit to continue uninterrupted operations at its current Premises while tenant improvements are completed at 1450 Neotomas Avenue. As part of Health Services' Administration, the Health Policy, Planning and Evaluation Unit will relocate to the Neotomas facility in early 2019. The Amendment will also make available "swing space" in the Premises for the Department of Health Services' Public Health Division to place staff from nearby 625 5th Street, who may require temporary relocation due to extensive tenant improvements that will be conducted at 625 5th Street during the lease extension time period.

Discussion:

The Department of Health Services' Health Policy, Planning and Evaluation Unit has leased office space at 490 Mendocino Avenue, Suites 101, 102, 103, Santa Rosa (Premises) since December 1, 2013 (Lease). The Lease will expire on November 30, 2018.

The Health Policy, Planning and Evaluation Unit offers the following services at this location:

- Community health planning, including support for Health Action and its subcommittees (Cradle to Career, Committee for Healthcare Improvement, Accountable Communities for Health, nine placed-based Chapters);
- Internal health planning, including support of DHS Administration, Public Health, and Behavioral Health;
- Health monitoring and surveillance, including disease and risk surveillance, community health status monitoring, and support for other data and information needs.

On March 16, 2018 the listing agent for 490 Mendocino Avenue was notified by County Real Estate that a lease extension would be needed for Premises occupied by the Health Policy, Planning and Evaluation Unit due to the anticipated time gap between the November 30, 2018 lease expiration date at 490 Mendocino Avenue and the estimated occupancy date of early 2019 for the 1450 Neotomas Avenue, Santa Rosa building to which Department of Health Services' Administration, including the Health Policy, Planning and Evaluation Unit, plans to relocate. Execution of the lease for 28,546 square feet of office space at 1450 Neotomas Avenue was authorized by the Board on May 22, 2018.

On September 10, 2018 the County received from the Landlord for 490 Mendocino Avenue a draft Amendment to the existing Lease that would extend the Lease term for an additional six months to May 31, 2019.

Staff recommends approval of the Lease Amendment to allow the Department of Health Services' Health Policy, Planning and Evaluation Unit continued uninterrupted operations at its current location at 490 Mendocino Avenue while tenant improvements are completed at 1450 Neotomas Avenue. The lease extension will also create the opportunity for the Department of Health Services Public Health Division to utilize the Premises as "swing space" for employees temporarily dislocated due to extensive tenant improvements planned in the Public Health Division's premises at nearby 625 5th Street.

Proposed Amendment: Staff has negotiated an amendment to the Lease as follows:

Lease Term: Six month lease extension, from December 1, 2018 through May 31, 2019. During this time period the County will be allowed continued use of the existing Premises.

Rent: Rent to remain unchanged from the previous 12 months at \$21,760.90 per month (\$2.27 per sq. ft.). Landlord is responsible for all taxes, insurance, utilities and janitorial service for the Premises. The County will also be allowed use of an Information Technology equipment closet located in a different area of the building on a month-to-month basis free of charge.

Regulatory Conformance: The project conforms with all regulatory requirements.

Procedural Authority: Government Code Section 25350 requires publication of notice of the Board's intent to enter into a lease for three successive weeks prior to execution of the lease agreement where

it is valued at more than \$50,000. If your Board takes the requested action, this matter will return to the Board on or after November 13, 2018, for consideration and consummation of the proposed lease amendment.

Prior Board Actions:

11-05-13: Authorized General Services Director to execute Lease
 10-08-13: Declared intent to enter into Lease

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

The proposed Amendment will provide continuity in the delivery of needed services at 490 Mendocino Avenue by the Department of Health Services’ Health Policy, Planning and Evaluation Unit as it awaits completion of tenant improvements at 1450 Neotomas Avenue to which it is to relocate in early 2019. The leased space at 490 Mendocino Avenue will also provide available “swing space” for the Department of Health Services’ Public Health Division to place staff from nearby 625 5th Street who may require temporary relocation due to extensive tenant improvements that will be conducted at 625 5th Street during the lease extension time period.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested	\$130,565		
Total Expenditures	\$130,565		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance	\$130,565		
Contingencies			
Total Sources	\$130,565		

Narrative Explanation of Fiscal Impacts:

Department of Health Services will use available fund balance from their Intergovernmental Transfer fund (Dept ID 22050500) to cover the short term increase in rental expenses. Adjustment will be included in Department of Health Services’ second quarter consolidated budget adjustments for FY 18-19.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			
Attachments:			
Attachment 1: Notice of Intent Attachment 2: Proposed Amendment			
Related Items “On File” with the Clerk of the Board:			
Original lease			

FIRST LEASE AMENDMENT

This shall be considered the FIRST LEASE AMENDMENT to the original CERTAIN LEASE dated November 5, 2013(LEASE) by and between 490 MENDOCINO AVENUE T.I.C. (LESSOR) and THE COUNTY OF SONOMA (hereinafter referred to as LESSEE), for the PREMISES located in the County of Sonoma, State of California commonly known as 490 MENDOCINO AVENUE, SUITE 101, 102, 103, SANTA ROSA, CALIFORNIA, 95401 (9,605 Rentable Square Feet).

WHEREAS, Effective January 2, 2015, MORTON & CAROL ROTHMAN TRUST AND RUSSELL & FELICE SHATZ TRUST (hereinafter referred to as LESSOR) purchased the property and became the SUCCESSOR IN INTEREST for the original LESSOR for 490 MENDOCINO AVENUE, SANTA ROSA, CALIFORNIA, 95401.

WHEREAS, LESSOR and LESSEE desire to amend the CURRENT LEASE upon the terms and conditions hereinafter set forth in this FIRST LEASE AMENDMENT,

NOW THEREFORE, in consideration of the mutual covenants contained herein, as well as other valuable consideration, it is hereby agreed as follows:

CURRENT LEASE: The CERTAIN LEASE as defined above plus any related Exhibits and Addenda and Assignment and Assumption of Lease and this FIRST LEASE AMENDMENT shall collectively be referred to as the CURRENT LEASE.

TERM: The Term of the CURRENT LEASE shall be extended for **six months commencing on December 1, 2018 and expiring on May 31, 2019** (Expiration Date).

DATA CLOSET: LESSEE has a data closet located in Suite 206 under a separate lease that will terminate on November 22, 2018. LESSOR agrees to allow LESSEE continued use of this closet on a month to month basis. LESSOR may terminate use of the data closet by giving LESSEE 30-Day written Notice.

BASE RENT: The monthly BASE RENT for the extended Term shall remain at \$21,760.90.

CONFIDENTIAL: LESSEE and LESSOR agree that the terms and provision of this FIRST LEASE AMENDMENT and the CURRENT LEASE are confidential between LESSEE and LESSOR, and that the terms of this FIRST LEASE AMENDMENT and the CURRENT LEASE shall not be disclosed in any manner to any third party except to the respective professional advisors of LESSEE or LESSOR or as otherwise required by applicable law or LESSOR'S mortgage lender.

AUTHORITY: If either LESSEE or LESSOR hereto is a corporation, trust, limited liability company, partnership, or similar entity, each person executing this FIRST LEASE AMENDMENT on behalf of LESSEE or LESSOR represents and warrants that he or she is duly authorized and empowered to enter into and execute this FIRST LEASE AMENDMENT on behalf of LESSEE or LESSOR.

INFORMED AND VOLUNTARY CONSENT: LESSEE and LESSOR have carefully read and reviewed this FIRST LEASE AMENDMENT including each term and provision contained herein. By the execution of this FIRST LEASE AMENDMENT, LESSEE and LESSOR acknowledge their informed and voluntary consent thereto. LESSEE and LESSOR hereby agree that, at the time this FIRST LEASE AMENDMENT is executed, the terms of this FIRST LEASE AMENDMENT are commercially reasonable and reflect the intent and purpose of LESSEE and LESSOR with respect to the PREMISES.

LEGAL AND TAX CONSEQUENCES: No representation or recommendation is made by any Real Estate Broker as to the legal sufficiency, legal effect or tax consequences of this FIRST LEASE AMENDMENT and the CURRENT LEASE. LESSEE and LESSOR are urged to seek advice of counsel or other professional advisors as to the legal and tax consequences of this FIRST LEASE AMENDMENT and the CURRENT LEASE.

FULL FORCE AND EFFECT: Except as otherwise provided for in this FIRST LEASE AMENDMENT, all terms and conditions of the CURRENT LEASE shall remain in full force and effect. This FIRST LEASE AMENDMENT, upon its execution by LESSEE and LESSOR, is herewith made an integral part of the CURRENT LEASE.

IN WITNESS WHEREOF, the parties have executed this Lease as of the Effective Date.

Lessor "Landlord": MORTON & CAROL ROTHMAN TRUST AND RUSSELL & FELICE SHATZ TRUST

By: Morton Rothman, Its: Partner

Date

LESSEE "Tenant": County of Sonoma, a political subdivision of the State of California

By: Director General Services Department

Date

The General Services Director, or his Deputy, is authorized to execute this Lease, pursuant to the Board of Supervisors' Summary Action dated _____, 20_____.

APPROVED AS TO FORM FOR TENANT:

Deputy County Counsel

APPROVED AS TO CONTENT FOR TENANT:

Director
Department of Health Services

Marc McDonald, Real Estate Manager
General Services Department

CERTIFICATE OF INSURANCE ON FILE WITH DEPARTMENT:

Reviewed by: _____ Date: _____

**PUBLIC NOTICE
OF INTENT OF COUNTY
TO EXECUTE AN AGREEMENT TO LEASE REAL PROPERTY**

NOTICE IS GIVEN that the Sonoma County Board of Supervisors intends to authorize the General Services Director to execute a Lease Amendment with 490 MENDOCINO T.I.C (Landlord), for office space at 490 Mendocino Avenue, Suites 101, 102, 103, Santa Rosa; to extend the lease for a six month period to expire May 31, 2019, at a rental rate of \$21,760.90 per month (\$2.27 per sq. ft.). Additional information regarding the proposed Lease Agreement is available for public review at the Office of the Director of the Sonoma County General Services Department, 2300 County Center Drive, Suite A200, Santa Rosa, California 95403. The Board of Supervisors will meet on or about December 4, 2018 at 8:30 a.m., at the Sonoma County Administration Building, Room 102A, 575 Administration Drive, Santa Rosa, California to consummate the Sublease Agreement.

Clerk of the Board of Supervisors

Public notice of the County's intention to execute a Sublease Agreement shall be published once a week for three successive weeks in accordance with Government Code Section 25350 and 6063.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 21
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of the County of Sonoma

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Human Resources

Staff Name and Phone Number:

Carol Allen 707-565-2549

Supervisorial District(s):

All

Title: Memorandum of Understanding extension between the County of Sonoma and the Engineers and Scientists of California, Local 20 (ESC).

Recommended Actions:

Adopt a Resolution approving an extension to the Memorandum of Understanding (MOU) between the County of Sonoma and Engineers and Scientists of California, Local 20 (ESC) for the period of October 23, 2018 through March 26, 2019.

Executive Summary:

Representatives from the County and ESC met and conferred and reached a tentative agreement (Attachment A) regarding the terms and conditions of employment for an extension of the MOU. All changes to the 2016-2018 MOU shall become effective upon approval of the Board of Supervisors unless otherwise specified in the tentative agreement.

Discussion:

Given the fiscal uncertainty caused by the October 9, 2017 Sonoma Complex fires, the County met and conferred with ESC for a proposed extension of the MOU. The County and ESC have tentatively agreed on terms and conditions, salary, and benefits for an extension of the MOU. A brief summary of the tentative agreement (TA) is below.

Term of MOU:

October 23, 2018 through March 26, 2019.

One Time Lump Sum Pensionable Payment:

Effective with the pay period that begins October 23, 2018, each regular, full time, active employee shall receive a one-time, lump sum, pensionable, and non-recurring payment to those employees in active status as of the last day of the pay period and prorated based on allocated FTE, in the amount of \$2,681. Each employee in the classification/classification series of AODS Counselor, Biostatistician, Health Information Specialist, Nutritionist, Occupational Therapist, Physical Therapist, Public Health

Microbiologist and Senior Client Support Specialist shall receive additional payments in the amount of \$718.50, on November 28, 2018 and July 24, 2019.

Medical Benefits:

Effective the pay period beginning October 23, 2018, for coverage beginning November 1, 2018, the County will contribute up to a maximum of the following amounts based on level of coverage for employees enrolled in County offered medical coverage for any eligible full-time regular employee and their dependent(s). This contribution stabilizes employee out-of-pocket costs for healthcare, with the County paying the recent increase in premiums. The contribution is as follows:

- Employee only: \$629 per month
- Employee plus one: \$1,257 per month
- Family: \$1,779 per month

Language Clean Up - County Contribution Toward Retiree Medical Plans

The County and ESC agreed to language in the MOU that eliminates references to the Salary Resolution (decoupling management benefits from retirees) but continues the current County contribution of \$500 per month toward the cost of County offered medical plans for any eligible retiree.

Holidays:

Employees will receive an eight (8) hour Cesar Chavez holiday on March 31st of each year, to honor and celebrate his important work on civil rights for laborers, particularly in the Latino community.

Holiday hours will be prorated based on allocated FTE for part time employees.

Unpaid Furlough Program:

Effective January 1, 2019 the unpaid furlough program will be eliminated. The program was instituted in FY 2013/14 and has continued since that time. The elimination of this program will bring employees back to work, increase take home pay, and eliminate administrative and operational concerns related to tracking this program for only a portion of County employees. As the program is ending mid-year, employees are being given a one-time credit of 24 floating holiday hours to assist with ease of implementation. The one time floating holiday hours are pro-rated based on allocated FTE and must be used by June 17, 2019.

Safety Shoes & Boots

Eligible employees will now receive a voucher for safety shoes and/or boots annually rather than bi-annually. The value of the voucher has been increased to \$225 for boots and \$125 for shoes.

Professional Licenses

Employees required to hold a professional license or certification as part of their job duties will be reimbursed by the County for the cost of license renewals.

Total Compensation Comparison

The County and ESC agreed to a process for evaluating total compensation to review the County's competitiveness of salaries and benefits provided to our workforce.

Government Code Compliance Requirements:

Various provisions of the California Government Code require certain disclosures before the Board can adopt changes in salaries or benefits, with additional disclosure required for changes in pension and other post-employment benefits. Any changes in salaries and benefits must be adopted at a public meeting of the Board (Cal Gov't Code §23026). Notice of the consideration of such increases must be provided prior to the meeting and shall include "an explanation of the financial impact that the proposed benefit change or salary increase will have on the funding status of the county employees' retirement system." (Cal Gov't Code §31515.5).

In addition, when considering changes in retirement benefits or other postemployment benefits, the Board "shall secure the services of an actuary to provide a statement of the actuarial impact upon future annual costs, including normal cost and any additional accrued liability, before authorizing changes in public retirement plan benefits or other postemployment benefits." (Cal Gov't Code §7507). When there are changes in retirement benefits or other postemployment benefits, the statement of actuarial impacts shall be provided by an enrolled actuary and shall be made public at a meeting at least two weeks before the adoption of the increase in benefits. (Cal Gov't Code §31516). Note, however, that today's recommendations do not include changes to retirement benefits or other post-employment benefits.

This staff report recommends the Board adopt changes in the ESC MOU extension, including changes to salary and benefits. Based on the letter received from Segal Company (Segal), the proposed one-time, pensionable, lump-sum payment exceed the future years' 3.5% annual wage increase assumptions applied in the December 31, 2016 actuarial valuation by 0.09% for this group; and therefore, Segal's analysis, as included in Attachment B, states that the proposed changes will have a slight impact on the ongoing cost of the plan and funding status of the Sonoma County Employees' Retirement Association. The estimated increase in annual employer pension cost related to the proposed changes in salary and benefits is \$5,000. Due to the one-time nature of the proposed changes, some of these costs may be offset in the future.

Prior Board Actions:

September 13, 2016, Board adopted the ESC MOU, Resolution #16- 0332

Strategic Plan Alignment Goal 3: Invest in the Future

The extension of the MOU reflects the joint efforts of the County and ESC to provide fiscally responsible salary and benefit enhancements.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$214,492	\$566,643	\$491,704
Additional Appropriation Requested	\$884,819		
Total Expenditures	\$1,099,311	\$566,643	\$491,704
Funding Sources			
General Fund/WA GF	\$35,672	\$18,063	\$15,956
State/Federal			
Fees/Other	\$1,063,639	\$538,580	\$475,748
Use of Fund Balance			
Contingencies			
Total Sources	\$1,099,311	\$556,643	\$491,704
Narrative Explanation of Fiscal Impacts:			
<p>The MOU extension represents a total estimated operational cost increase, above the adopted budget, of \$884,819 in fiscal year 18/19, which includes an estimated on-going operational cost of \$192,598 associated with augmented medical premium contribution and the reimbursements related to safety equipment and professional licenses. Of the total 18/19 projected increased costs, about \$30,819 is within the General Fund. Additional FY 18/19 budgetary appropriations will be included in future consolidated budget adjustments to align with the adjusted labor costs, if labor agreement extension is approved.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			
Attachments:			
<ol style="list-style-type: none"> 1. Concurrent Resolution 2. Attachment A – Signed Tentative Agreement 3. Attachment B – Segal Company Letter dated October 17, 2018 			

Related Items "On File" with the Clerk of the Board:



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Extending The Memorandum Of Understanding Between The County Of Sonoma And The Engineers and Scientists of California, Local 20, For The Period of October 23, 2018 Through March 26, 2019.

Whereas, the Engineers and Scientists of California, Local 20 (“ESC”) is a recognized employee organization representing bargaining unit 75; and

Whereas, the County met and conferred with representatives of ESC to negotiate an five-month extension to the Memorandum of Understand (MOU); and

Whereas, the ESC membership ratified the terms of the tentative agreement to be recommended to the Board of Supervisors for approval; and

Whereas, the terms and conditions of the tentative agreements are within the prescribed authority of this Board; and

Whereas, the County has satisfied its obligation under Government Code Section 3505 and the County Employee Relations Policy to meet and confer over the terms and conditions of employment contained in the recommended MOU extension; and

Whereas, the Board has met all legal requirements under Government Code Sections 23026, 31515.5, 7507, and 31516; and

Whereas, the proposed changes to the ESC MOU do not include changes in retirement benefits or other postemployment benefits; and

Whereas, written confirmation of the Board’s compliance with Government Code 31515.5 and 23026 from Segal Company is included in Attachment B and incorporated by reference herein.

Resolution #

Date:

Page 2

Now, Therefore, Be It Resolved that this Board hereby approves the Tentative Agreement (Attachment A) setting the terms and conditions of the MOU extension between the County and the ESC, which is attached and incorporated by reference herein.

Be It Further Resolved that the terms and conditions of the MOU shall be in full force and effect from October 23, 2018 through March 26, 2019, except as specified otherwise in the MOU.

Be It Finally Resolved that the County Administrator, Director of Human Resources, and Auditor-Controller-Treasurer-Tax Collector have the authority to take any necessary administrative actions to implement the provisions of this resolution, including the authority to execute administrative changes to plan documents and MOUs as needed and/or make corrections of a non-financial nature.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

Engineers and Scientists of California, International Federation of Professional and Technical Engineers Local 20, AFL-CIO & CLC ("ESC") and the County of Sonoma ("County") (collectively referred to as the "parties") have negotiated and reached a Tentative Agreement on amendment of the following provision(s) of the parties' Memorandum of Understanding ("MOU").

This Tentative Agreement shall be contingent on ratification by the bargaining unit represented by ESC and adoption by the County Board of Supervisors. Both parties agree to recommend the final tentative agreement for a successor MOU to their constituents.

Upon ESC ratification and Board approval, this Agreement will extend the MOU between the parties dated September 13, 2016 – March 26, 2018 for one year.

The amended MOU shall supersede the Memoranda of Understanding that expired on March 26, 2018. Language in the MOU and existing side letters not amended by this Tentative Agreement will remain unchanged. The parties agree that any and all Tentative Agreements are hereby incorporated. Any outstanding proposals not agreed to are hereby withdrawn by the parties.

FOR THE COUNTY

Heather Koff

Jennifer Steadiger

Date: 9/24/18

FOR ESC

CB
Lu J... *CD...*

Rebecca... *Jennifer...*

Date: 9/24/18

Approved:

Ratified:

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

MEMORANDUM OF UNDERSTANDING

20162018-20182019

BETWEEN THE

COUNTY OF SONOMA

AND THE

**ENGINEERS AND SCIENTISTS OF CALIFORNIA
LOCAL 20**

**INTERNATIONAL FEDERATION OF PROFESSIONAL
AND**

TECHNICAL ENGINEERS, AFL-CIO & CLC

(ESC)

FOR THE

HEALTH PROFESSIONALS, UNIT 75

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

ARTICLE 4: TERM OF MEMORANDUM

- 4.1 This Memorandum of Understanding shall constitute the complete and full agreement of the parties concerning wages, hours, and other terms and conditions of employment for employees in the bargaining unit. The parties agree that all changes from the ~~2014-2016~~2016-2018 Memorandum of Understanding contained herein will become effective ~~September 13, 2016~~ upon adoption by the Board of Supervisors unless otherwise specified. This Memorandum will expire and otherwise be fully terminated by 11:59 pm on ~~March 26, 2018~~March 25, 2019.
- 4.2 In the event the Union or the County desire to negotiate a successor Memorandum of Understanding, it shall serve on the other party by ~~November 6, 2017~~November 9, 2018, its written request to commence negotiations for any successor Memorandum of Understanding. If requested, negotiations shall commence by the second week of December 2018.

ARTICLE 5: SALARIES

5.5 (New) One-Time, Lump Sum, Non-Recurring and Pensionable Payments

- a) Effective with the pay period that begins November 6, 2018, each regular, full time, active employee shall receive a one-time, lump sum, pensionable, and non-recurring payment in the amount of two-thousand six-hundred eighty-one dollars (\$2,681) to those employees in active status as of the last day of the pay period and prorated based on allocated FTE.
- b) Each employee in the following classifications on the date of Board adoption of this agreement shall receive two lump sum payments, each in the amount of seven-hundred eighteen dollars and fifty cents (\$718.50), the first on the pay date of November 28, 2018 and the second on the pay date of July 24, 2019. The payments will be prorated based on allocated FTE. Eligible classifications are: AODS Counselor I/II/III (2682/2683/2684), Biostatistician (2630), Health Information Specialist I/II (2631/2632), Senior Health Information Specialist (2635), Nutritionist (2185), Occupational Therapist I/II (2301/2302), Occupational Therapist I/II CTP (2306/2307), Physical Therapist I/II CTP (2316/2317), Public Health Microbiologist Trainee (2120), Public Health Microbiologist I/II (2121/2122), Senior Client Support Specialist (2470).

The one-time payments will be subject to all applicable federal, state and local tax withholdings. The payments will not be included in wages for computations of overtime and benefits or for any other purpose.

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

5.6 (New) Comparison Agencies

Unless mutually agreed to, all classifications covered within bargaining unit 75, Health Professionals, shall utilize the following for comparable agency purposes:

Alameda County, Contra Costa County, Marin County, Napa County, Sacramento County, San Luis Obispo County, San Mateo County, and Solano County, shall all be included as comparable agencies.

Within seven days of ratification of this MOU, ESC shall add two agencies from the following list: Monterey County, Santa Cruz County, and Santa Clara County.

The benchmark market average will henceforth be determined by ascertaining the total compensation of each benchmark classification within each agency within the composite list of ten agencies then removing the agency with the highest and the agency with the lowest total compensation per benchmark classification.

For purposes of understanding market data in applicable classification studies, the top-step salary of comparable job classifications within the composite list of ten agencies will be determined, then the agency showing the highest and the agency showing the lowest top-step salary will be removed from the calculation. At least four match classes must exist in the calculation in order to conclude there is sufficient market data.

5.7 (New) Classification and Compensation Review Committee

The parties agree that in preparation for the next contract negotiation only, that a committee will hold its first meeting no later than November 9, 2018 to review match classifications for the following benchmarks:

<u>Job Code</u>	<u>Class Title</u>
<u>2683</u>	<u>AODS Counselor II</u>
<u>2630</u>	<u>Biostatistician</u>
<u>2532</u>	<u>Health Information Specialist II</u>
<u>2185</u>	<u>Nutritionist</u>
<u>2317</u>	<u>Physical Therapist II CTP</u>
<u>2122</u>	<u>Public Health Microbiologist II</u>
<u>2470</u>	<u>Sr. Client Support Specialist</u>

The committee shall consist of the following: the bargaining unit team shall include four (4) employees and one (1) Union Field Representative who is not an employee of the County. The County team shall consist of up to three (3) representatives from the

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

hours which shall include Union release time. Nothing in this paragraph precludes the parties from discussing classifications and benchmarks during negotiations, and nothing precludes the parties from bringing data discussed during these meetings to negotiations.

ARTICLE 8: LEAVES OF ABSENCE

8.7 Holidays – Paid

The County shall provide full-time and part-time County employees the following paid holidays, provided that an employee is in paid status on the employee's *last* regularly scheduled workday before the holiday, and the employee's *first* regularly scheduled workday after the holiday.

- (1) New Year's Day, January 1st *
- (2) Martin Luther King's Birthday, 3rd Monday in January
- (3) Lincoln's Birthday, February 12th *
- (4) Washington's Birthday, 3rd Monday in February
- (5) Memorial Day, the last Monday in May
- (6) Cesar Chavez Day, March 31*
- ~~(67)~~ Independence Day, July 4th *
- ~~(78)~~ Labor Day, the first Monday in September
- ~~(89)~~ Veteran's Day, November 11th *
- ~~(910)~~ Thanksgiving Day, the 4th Thursday in November, or as designated by the President *
- ~~(1011)~~ The day following Thanksgiving Day *
- ~~(1112)~~ Christmas Day, December 25th *
- ~~(1213)~~ Each day appointed by the Governor of the State of California and formally recognized by the Board of Supervisors of Sonoma County as a day of mourning, Thanksgiving or special observance.

* Date-Specific Holidays

An employee on leave without pay who has paid leave remaining (including vacation, sick leave or compensatory time), shall not be permitted to use paid leave as paid status days before or after a holiday for the purpose of receiving holiday pay.

9.2.2 County Contribution toward Active Employee Medical Benefits

~~a) Effective for coverage through September 30, 2016, the County shall contribute a flat dollar amount not to exceed \$229.98 per pay period (\$500 per month) toward the cost of any County offered medical plans for any eligible full-time regular employee and their eligible dependent(s). This is the full and total contribution amount the~~

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

~~County will contribute toward medical benefits for active regular employees and their dependent(s).~~

~~b) Effective the pay period beginning September 13, 2016, with the intent to have premiums paid in the pay period(s) required for coverage to be effective October 1, 2016, the County shall contribute up to maximum of the following amounts based on level of coverage for employees enrolled in County offered medical coverage for any eligible full-time regular employee and their eligible dependent(s). The amounts listed below shall include the conversion of the current County HRA contributions for active employees in Section 9.2.7 to medical contributions.~~

~~Employee only _____ \$557 per month (\$278.50 semi-monthly)~~

~~Employee plus one _____ \$1,113 per month (\$556.50 semi-monthly)~~

~~Family _____ \$1,575 per month (\$787.50 semi-monthly)~~

~~This is the full and total contribution amount the County will contribute toward medical benefits for active regular employees and their dependent(s).~~

e) Effective the pay period beginning ~~May 23, 2017~~ October 23, 2018, with the intent to have premiums paid in the pay period(s) required for coverage to be effective ~~June 1, 2017~~ November 1, 2018, the County shall contribute up to a maximum of the following amounts based on the level of coverage for employees enrolled in County-offered medical coverage for any eligible full-time regular employee and their eligible dependent(s). The amounts listed below shall include the conversion of the current County HRA contributions for active employees in Section 9.2.7 to medical contributions.

Employee only ~~\$580~~ \$629 per month (~~\$290~~ \$314.50 semi-monthly)

Employee plus one ~~\$1,158~~ \$1257 per month (~~\$579~~ \$628.50 semi-monthly)

Family ~~\$1,638~~ \$1779 per month (~~\$819~~ \$889.50 semi-monthly)

This is the full and total contribution amount the County will contribute toward medical benefits for active regular employees and their dependent(s).

The County shall contribute to part-time eligible employees on a pro-rated basis, in accordance with Section 9.2.6 (Part Time Employees – Health Benefits).

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

9.2.3 Dental Benefits

The County offers dental and orthodontic benefits to full and part-time regular employees and their eligible dependent(s). Benefits provisions, co-payments and deductibles are outlined in the Evidence of Coverage

The employee contribution is \$13.04 per semi-monthly deduction. The semi-monthly deduction is effective the pay period beginning September 13, 2016 for coverage beginning October 1, 2016.

Effective the pay date of February 6, 2019, the employee contribution shall be suspended, resuming the pay date of June 12, 2019.

The County shall contribute to part-time eligible employees on a pro-rated basis, in accordance with Section 9.2.6 (Part Time Employees – Health Benefits).

10.2 County Contribution Toward Retiree Medical Plans – Employees Hired Before January 1, 2009

- A. Eligibility: In order to be eligible for this benefit, the retiree must have:
- 1) Completed at least 10 years of consecutive regular full-time paid County of Sonoma service employment. The equivalent worked or purchased regular part-time County service time can be counted toward the 10 years. However, any miscellaneous purchased service time such as extra help, contract, and leave of absence service time purchased after January 27, 2010 does not count toward this eligibility requirement, and
 - 2) Have been a contributing member of the Sonoma County Employees' Retirement Association (SCERA) for the same time period, and
 - 3) Retire directly from Sonoma County service.
 - 4) Current retirees receiving a County contribution for retiree medical based on eligibility at the time of their retirement who do not meet the 10 year requirement as listed above are grandfathered in at the eligibility at the time of their retirement.
 - 5) Laid-Off & Restored Employees: Employees who were employed by the County prior to January 1, 2009, but who were laid off thereafter shall be eligible for the benefits described in this Article 10.2 provided that they are

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

subsequently restored to County employment, pursuant to Civil Service Rule 11.4, rejoin the County retirement system, and are otherwise eligible for retiree medical benefits under this section. The break in service caused by the layoff shall be bridged upon restoration such that, although no service time is earned during the break, consecutive service is restored for eligibility for this benefit. To the extent allowed by law they shall not be eligible for the benefits described in Article 10.3 (County Contribution toward Retiree Medical Plans - Employees Hired On or After January 1, 2009 - Effective January 1, 2009).

- B. County Contribution: The County shall contribute toward the cost of County offered medical plans for any eligible retiree whether or not the retiree covers eligible dependent(s), an amount that shall not exceed, nor be less than, \$500.00 a month. ~~the same amount as it contributes toward the cost of County offered medical plans for active unrepresented administrative management employees (bargaining unit 50) in the Salary Resolution, but at no time during the term of this agreement shall the County contribution towards medical be less than \$500.00 a month. Any additional medical contributions provided only to retirees along with any eligibility requirements to receive those contributions shall be conferred as prescribed in the Salary Resolution.~~ The retiree is responsible for all costs (including premiums) that exceed the total County contribution.
- C. Additional Dependents: Retirees eligible under this section, may enroll eligible dependent(s) in the County offered medical plan elected by the retiree but the retiree is responsible for all premium costs in excess of the county's contribution.

ARTICLE 11: UNION RIGHTS AND SECURITY

11.10 Notice of New and Ongoing Member-Represented Employee Information

- a) Notice of New and Ongoing Represented Employees Information: On a bi-weekly basis, the County shall provide ~~the Union quarterly,~~ to a person designated by the Union, a ~~new member~~ report containing the following information for all represented employees: ~~new employees (if available): names, home addresses, home telephone number, date of hire, class titles, job code, department code, and work site address. The Union will remit the cost of data runs to the County.~~
- full name,
 - home address,
 - work, home and cellular telephone numbers,
 - work email addresses and personal email addresses on file with employer,
 - date of hire,
 - union membership status,

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

- job code,
- job classification,
- department and section code,
- work site address,
- FTEs,
- pay rate, scale and step.
- Employee ID #.

The County will also provide, on a bi-weekly basis, a report identifying which employees are new employees or transfers who are newly represented by the ESC Bargaining Unit.

- b) Union stewards shall be authorized to receive the names and addresses of new employees not more than each pay period from the departmental payroll clerk.
- c) The names and addresses provided to the Union shall be kept confidential.
- d) A job ~~Union~~ **Union steward or Union Field Representative** is entitled to contact all newly-hired employees **and transfers who are newly represented by the ESC Bargaining Unit**, to present Union information, on the job ~~Union~~ **Union** steward's and employee's own time (meaning rest breaks, meal breaks and after work hours).
- e) The Union recognizes and respects the legal right of each employee to the employee's privacy and agrees not to use or allow others to use any information obtained pursuant to this agreement for commercial gain or in a manner that would violate those rights. With respect to this promise, the Union agrees to indemnify, defend and hold harmless the County of Sonoma, its officers, employees and agents from any claim, liability or damage arising from the Union's breach of its duty under this Memorandum.
- f) **The County shall notify new ESC-represented employees and transfers who are newly represented by the ESC Bargaining Unit, that the Union is the recognized employee organization for the employee's job classification.** ~~Member report: The County shall provide the Union monthly, to a person designated by the union, a member report containing the following information for new employees (if available): names, home addresses, home telephone number, date of hire, class titles, job code, department code, and work site address, employee ID number, base wage rate, and County of Sonoma email address.~~

11.10.1 **New Employee Union Orientation**

- a) **Within thirty (30) days of hire, employees shall normally be expected to attend a New Employee Orientation ("NEO") program presented by the County Human Resources ("HR") Department. The County shall provide the Union written notice of all NEOs, including those presented by the County HR Department, Permit Sonoma (the Permit and Resource Management Department), the Department of**

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

Health Services and any other formal group department orientation program at which ESC Local 20 members are in attendance, excluding payroll sign-ups.

- b) Said notice shall be given at least ten (10) calendar days in advance of a NEO, except that shorter notice may be provided in specific instances where there is an urgent need critical to the County's operations that was not reasonably foreseeable. In the event that a previously noticed NEO needs to be re-scheduled, the County shall notify the Union of the cancellation as soon as practicable. The County shall re-schedule ESC-represented employees to attend another regularly scheduled NEO, taking into account required notice for union release time, and immediately notify the Union of the new date.
- c) At least 72 hours in advance of a NEO the County shall provide the Union an electronic list of expected participants of each NEO, along with any contact information received by County HR from the hiring department at that time. Each new employee shall receive a copy of the Union's standard introductory packet, copies of which shall be provided by the Union.
- d) The Union shall have the opportunity to make a 30-minute presentation at each NEO program presented by the County HR Department with new hires or new transfers into the ESC Bargaining Unit in attendance. The County shall provide the Union a copy of the sign-in sheet within five (5) business days of each NEO program presented by the County HR Department attended by ESC-represented employees.
- e) If a new hire or transfer into the ESC Bargaining Unit has not attended the Union Orientation section of a NEO program at County HR within forty-five (45) days of hire or transfer into the ESC Bargaining Unit, a Union steward or Union Field Representative may meet with the new or transfer employee for up to thirty (30) minutes during the new or transfer employee's regular working hours, at the employee's worksite.
- f) One Union designee shall be granted 30 minutes of County release time plus reasonable release time for necessary travel to present on the Union's behalf at the NEO program presented by the County HR Department or make-up sessions.
- g) In addition, the Union shall have the opportunity to make a 10-minute presentation at each NEO program presented by Permit Sonoma (the Permit and Resource Management Department), the Department of Health Services and any other formal group department orientation program at which ESC Local 20 members are in attendance.
- h) A NEO meeting (or make-up meeting) shall take place in a meeting room provided by the employer, during normal working hours and on paid time. No

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

representative of management shall be present during the Union's presentation at the NEO or make-up session.

11.22 Stewards

The Union may designate up to ~~eight~~ ten (10) Union Stewards from among employees in the bargaining unit. Stewards have the right and obligation to represent and assist individual employees as provided for in this Memorandum. The Union will provide the County's Director of Labor Relations with a current and updated list of Stewards.

11.30 Union Business

11.30.1 Union Business Release Time Bank

The Union is authorized a total of 100 hours of paid Union Business Release Time each Fiscal Year, starting with the Board of Supervisors' approval of the 2016-2018 Memorandum of Understanding between the parties. Upon request from the Union Business Agent or designee, the County agrees to authorize stewards and other member(s) of the Union release time to attend to Union business related to County of Sonoma. In all cases use of Union Business Release Time will not unreasonably interfere with the Department's operations and the Union member(s) shall secure permission from their supervisor before leaving their work assignment. The Union's request for Union Business Release Time shall not be made capriciously or arbitrarily, and time demands on any one employee shall be within reasonable limits and with the approval of the designated supervisory representative.

Effective the first full pay period following Board of Supervisors' adoption of this agreement, the County will add one hundred (100) hours of Union Release Time into the bank.

Starting on the date when the Union notifies the County of its intent to re-open the MOU, for the 2018-2019 successor MOU negotiations, the County shall allow the Bargaining Team three (3) four-hour blocks of paid release time to prepare for negotiations.

ARTICLE 13: COMPENSATION BENEFITS

13.19 (New) Required Licenses and Certifications

The County will reimburse, upon submission by the affected employee, the renewal cost of a professional license or certification which is held by the

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

employee for the benefit of the appointing authority, and which is required by the employee's job duties.

ARTICLE 19: SAFETY

19.5 Safety Shoes/Boots

- a) Full-time and part-time employees in the class of Dairy Inspector, and the classes of Environmental Health Specialist I, II, III, assigned to Well and Septic Section at PRMD or the Environmental Health Services at the Department of Health Services will be entitled to receive a voucher or reimbursement for one (1) pair of safety shoes or boots upon initial employment and annually thereafter. ~~to be replaced on an as-needed basis, but not more frequently than every two (2) years.~~ All vouchers/~~reimbursements~~ issued under this Section will be ~~at~~ in the amount of \$180\$225.
- b) Full-time and part-time employees in the classes of Environmental Health Specialist I, II, III and Dairy Inspector assigned to the Food and Recreation section of Environmental Health Services at the Department of Health Services will be entitled to receive a voucher or reimbursement for one (1) pair of non-slip safety shoes upon initial employment and annually thereafter. ~~to be replaced on an as-needed basis, but not more frequently than every two (2) years.~~ All vouchers/~~reimbursements~~ issued under this Section will be ~~up to~~ in the amount of \$110\$125.
- ~~e) If an employee wishes to receive a new voucher/reimbursement more frequently than every two (2) years, as employee's safety shoes or boots are not serviceable or repairable due to wear or damage, the employee will turn in that pair to the employee's supervisor and receive a new voucher/reimbursement to use for replacement of the unserviceable pair.~~
- ~~ed) If an employee as described in paragraphs (a or b) of Section 19.5 is designated by the Department Head (or designee) to a dual assignment that, for health or safety purposes, requires two (2) separate pairs of safety shoes or boots, they will receive a voucher or reimbursement for the purchase of a second pair of safety shoes or boots. Section 19.5(e) will be applicable to the second pair of shoes or boots.~~
- ed) The parties understand and agree that the County provides vouchers/reimbursement for safety shoes and boots to help an employee perform the employee's job in a safer environment and that the safety shoes/boots are not worn or adaptable to general usage as ordinary shoes/boots.

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

ARTICLE 20: MISCELLANEOUS PROVISIONS

20.6 Labor/Management ~~Benefits and~~ Advisory Committees and Joint Labor Management Benefits Committee (JLMBC)

a. Interest Based Bargaining

1. The parties may agree to participate jointly in "Interest Bargaining" training sessions with a mutually agreed upon facilitator. The County shall provide appropriate release time for selected committee members during the term of this agreement subject to operational needs of the Department. The County wide training fund shall pay half of the training cost with remaining funding coming from individual employee professional development or personal funds.
2. It is the intent of the parties to incorporate interest bargaining concepts into future labor/management negotiations.
3. This article is not grievable nor arbitrable under this contract grievance procedure.

b. Labor/Management ~~Benefits (JLMBC) and~~ Advisory Committees

1. ESC shall have the opportunity to participate on existing and future Labor/Management Advisory Committees in County Departments who have ESC members. In consideration for the dissolution of the Department of Health Services Labor Management Advisory Committee, the County and the Union shall establish an ESC County-Wide Labor/Management Advisory Committee including ESC members and managers from County Departments and Divisions where ESC members work. Within 60 days from the date of Board approval of this MOU, the number of committee members and alternates will be agreed upon by the County Director of Labor Relations or their designee and the Union Field Representative and/or other Union representatives. The parties will also draft a Committee Charter.
2. A member of the staff of the Human Resources Department or any committee member trained in facilitation or group problem-solving may serve as a facilitator. By mutual agreement the parties may also utilize the service of an outside facilitator with the department and the labor organizations sharing the outside facilitator's fee.
3. Labor/Management Advisory Committee meetings held during the employees regularly scheduled work time shall be deemed time worked for compensation purposes.

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

4. The ~~committees~~ ESC County-Wide Labor/Management Advisory Committee may consider, review, discuss and make recommendations on a variety of ~~departmental~~ issues of mutual concern. The ~~committees are~~ Committee is encouraged to brainstorm possible issues and problems, prioritize the possible issues in general order of importance, and select high priority issues of mutual interest to review. In reviewing the issues, the ~~committees are~~ Committee is encouraged to define the issue carefully, study and evaluate the most promising solutions, and make a recommendation with supporting documentation to the relevant department head with a copy to the Director of Human Resources and the Union Field Representative. By mutual agreement, the Committee may also review and discuss (but not negotiate) matters impacting the collective bargaining agreement and/or within the scope of bargaining such as premiums, fringe benefits, caseload and working hours.
5. The department head shall evaluate proposed solutions, make a decision on the committee's recommendation and report back his/her decisions. The committee may make an oral presentation as well as their written report and recommendation to the department head.
6. Departments must fund any recommended changes through the existing budget process or through cooperative efforts of the department Labor/Management Advisory committee in seeking and locating funding for changes through other sources. The decisions of the department head shall not be precedent nor bind the County or other County departments. The County-wide Labor/Management committee shall publicize the positive results of department committee recommendations.
7. The committees may be continued, modified, or expanded by mutual agreement of the participants. At the request of either party, Labor/Management Advisory Committees may be evaluated.

c. ~~7.~~ 7. Joint Labor Management Benefits Committee (JLMBC)

ESC shall have the opportunity to participate on the Joint Labor/Management Benefits Committees (JLMBC). ESC shall be represented by ~~two (2)~~ up to three (3) members and/or the Field Representative or designee.

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

20.8 Favored Nation Clause

If, during the term of this extension another bargaining unit other than Unit 75, Health Professionals Unit, negotiates an increase or improvement in compensation or other economic benefits that is greater than that agreed to by ESC, the County agrees to open the MOU and meet and confer with ESC on the subject of compensation.

ARTICLE 21: UNPAID FURLOUGH PROGRAM

Effective 11:59 p.m. on December 31, 2018, all provisions of Article 21 shall cease to be in effect and the Unpaid Furlough Program shall cease to exist. The last payroll deduction will be taken on the January 9, 2019 pay date. Effective January 1, 2019, the County will cease to make deductions from ESC represented employees' paychecks designated for the Unpaid Furlough Program.

This provision will be administered as follows:

All ESC-represented employees will be credited with a one-time designation of twenty-four (24) floating holiday hours in the first pay period following January 1, 2019, pro-rated based on allocated FTE for part-time employees.

(A) Employees who have not taken any FY 2018/2019 UFP hours as of January 1, 2019 will have 23.14 UFP hours and twenty-four (24) one-time floating holiday hours to use by June 17, 2019, pro-rated based on allocated FTE for part-time employees.

(B) Employees who have taken less than 23.14 FY 2018/2019 UFP hours as of January 1, 2019, will be able to use up to a total of 23.14 FY 2018/2019 UFP hours by June 17, 2019 and will also have twenty-four (24) one-time floating holiday hours to use by June 17, 2019, pro-rated based on allocated FTE for part-time employees.

(C) Employees who have taken more than 23.14 FY 2018/2019 UFP hours by January 1, 2019, will have the number of hours over 23.14 deducted from the twenty-four (24) one-time floating holiday hours, pro-rated based on allocated FTE for part-time employees, and will be able to take the remaining floating holiday hours by June 17, 2019.

21.1 Purpose

ESC and the County have agreed to an Unpaid Furlough Program (UFP) to enable ESC represented employees to achieve the County's stated cost reduction goals for all County employees. The UFP will consist of unpaid time off during each fiscal year as shown in the chart below for each full-time employee and pro-rated based on FTE for part-time employees.

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

Employees who are exempt under the Fair Labor Standards Act will be considered non-exempt during the week in which they take an UFP day off, and their pay is reduced. Department Heads are responsible for ensuring no overtime is incurred during this time.

Fiscal Year	Hours of Furlough	Approx. Deduction per Pay Period*
FY 13/14*	31 hours unpaid furlough	3.1%
FY 14/15	48 hours unpaid furlough	2.3%
FY 15/16 (Status Quo)	44.5 hours unpaid furlough	2.13%

* Based on approximately 1,000 work hours remaining in FY 13/14 at ratification; full fiscal years based on 2,087 hours. FY 13/14 furlough hours reduced to 31 by crediting ESC with FY 13/14 savings from suspension of floating holiday hours and holiday eve hours.

21.2 Scheduling Unpaid Furlough Days

Unpaid furlough days are designed to be flexible to allow the Department Head the ability to determine the best option for obtaining the salary savings with minimal disruption to the department's operations while not generating overtime to cover for UFP hours taken.

Options for scheduling UFP days include, but are not limited to any combination of the following:

- Based on reduced service demands, the Department Head schedules UFP days so that some or all of the employees of the department are on UFP days simultaneously.
- The Department Head sets a schedule for UFP days.
- UFP days are scheduled similar to vacation days at the employee's request with approval from their supervisor.

UFP will be used in increments of the length of an employee's regular shifts or not less than 1 hour increments, and scheduled with the approval of their supervisor. UFP shall be used before any vacation or compensatory time off, until all UFP hours have been exhausted. For employees with greater than 270 hours of accrued vacation as of Dec. 18, 2013, vacation hours may be used before UFP hours through Feb. 17, 2014.

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

Except as otherwise provided in this Article, an employee shall use all UFP days for a fiscal year before any other paid or unpaid leave.

21.3 Impact Of UFP Days On Salary And Benefits

UFP shall be considered time in paid status. UFP shall apply toward time in service for retirement, completion of probation, eligibility for merit increases and toward seniority.

Base salary shown on the salary schedule shall not be adjusted for UFP purposes. Instead, a "deduction" to salary will be the method used to generate UFP savings. County and employee retirement contributions are not affected by the UFP Program. Also, computations used for final compensation for employees retiring are not affected by the UFP Program.

Since the UFP pay reduction is spread out during multiple pay periods, resulting in employees being in a paid status for all hours including the UFP, the hourly cash allowance is not impacted and will be paid for all hours in a paid status. Hours not in a paid status (unpaid and non-UFP hours) shall be treated the same as current practices.

21.4 Changes To Scheduled UFP Time

In the event an employee is required to work on a previously scheduled UFP day, shift hours worked will be considered regular hours worked and the employee will be rescheduled for a future UFP day.

21.5 Pay Deductions — Amortization

Deductions in pay for all UFP hours shall be amortized over multiple pay periods in the corresponding fiscal year and will be determined by the number of pay periods remaining after adoption. The deduction each pay period will allow for payment of the employee consistently throughout the year. Each participating employee shall receive their normal paycheck, less the UFP deduction. UFP shall be prorated for part-time employees based upon their FTE (full-time equivalent).

Amortized UFP hours shall continue to apply to periods of vacation, holiday, compensatory time off, or sick leave hours taken.

21.6 UFP Accounts And Balances

The Auditor-Controller-Treasurer-Tax Collector/Payroll will create an accrual bank for UFP accumulated each pay period. UFP taken will be subtracted each pay period from employee's UFP balance.

It is the Department's responsibility to monitor, authorize and schedule UFP days to ensure employees are given the opportunity to take the full number of UFP hours

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

assigned per fiscal year, and that employees do not exceed the full number of UFP hours assigned per fiscal year through the last full pay period of the corresponding fiscal year. Similarly, employees are responsible for monitoring and requesting UFP days, to assure that they take the required hours of UFP time during each fiscal year.

Except under extraordinary circumstances, with prior approval of the appointing authority, all employees shall use the required hours of UFP time during each fiscal year. With prior approval, at the close of the fiscal year any balance in the UFP accumulated account UFP hours owed by the employee to the County will remain in the employee's account to be taken during following fiscal year until depleted. Employees must use any accumulated UFP prior to using vacation, or compensatory time off or unpaid leave.

21.7 UFP Deduction – New Employees

New full-time and part time employees hired after adoption of the UFP program will have the same amortized and/or pro-rated deduction as all other employees. New employees shall be required to take a prorated number of UFP hours during the fiscal year, to be determined based on their date of hire.

21.8 UFP – Terminating And Transferring Employees

Employees who separate from County service shall be paid for any accumulated UFP hours not taken at their current rate of pay. If a negative balance exists in the UFP accrual bank, employees shall have an amount deducted from their final paycheck equal to the negative balance of hours times their current base hourly rate of pay.

Employees who transfer to a bargaining unit that is not participating in an UFP program shall be required to use the hours accumulated prior to the last pay period of the applicable fiscal year.

21.9 Employees Laid Off – Eligible For Severance

If an employee receives a layoff notice, and is eligible for a severance period that includes scheduled floating UFP days, the time will not be charged to UFP, vacation, sick leave, or CTO. Any UFP accumulated but unused balances will be paid to the employee at time of lay off.

21.10 Employees With Periods Of Leave Without Pay (LWOP)

Employees requesting LWOP during the applicable fiscal year must exhaust all UFP remaining for the fiscal year prior to going into an LWOP unpaid status. Employees returning to paid status will have the same UFP deduction taken as regular employees (pro-rated based on FTE). Each time the employee goes on leave, any UFP accumulated balances will be depleted so there is a zero (0) balance before any other paid or unpaid leave is used.

TENTATIVE AGREEMENT BETWEEN
COUNTY OF SONOMA AND
ESC LOCAL 20
2018-2019

21.11 Workers Compensation Leave

UFP provisions do not apply to employees on Worker's Compensation leave due to an industrial illness or injury.

21.12 Long Term Disability

Earnings for employees on Long Term Disability will be based on regular salary and will not be reduced by the amounts deducted for UFP.





100 Montgomery Street Suite 500 San Francisco, CA 94104-4308
T 415.263.8283 www.segalco.com

Andy Yeung ASA, MAAA, FCA, EA
Vice President & Actuary
ayeung@segalco.com

VIA E-MAIL AND USPS

October 17, 2018

Ms. Julie Wyne
Chief Executive Officer
Sonoma County Employees' Retirement Association
433 Aviation Boulevard, Suite 100
Santa Rosa, CA 95403-1069

**Re: Sonoma County Employees' Retirement Association (SCERA)
Disclosure under Government Code Section 31515.5 in compliance with
Section 23026 – ESC**

Dear Julie:

As requested, we are providing this letter with our analysis of the impact of several proposed changes in elements of pay and their potential impact on cost to provide benefits through SCERA as required under California Government Code Section 31515.5 in compliance with Section 23026.

The contribution impact in this letter is based on the December 31, 2016 Actuarial Valuation, including the participant data and actuarial assumptions on which that valuation was based. In developing the contribution impact, it has been assumed that all actuarial assumptions would have been met after December 31, 2016, including the payroll growth assumption of 3.5% for all General County, with the exception of the salary increases proposed for employees covered under the Engineers and Scientists of California (ESC) described herein.

The actual results of this analysis may differ to the extent that other experience varies from that which is assumed. In particular, the contribution impact presented within this letter would be mitigated to some extent if other County members do not receive the full 3.5% payroll growth assumption. Furthermore, due to the one-time nature of the proposed increases as described in Items 1 and 2 of Exhibit 1, the contribution impact associated with those items may be offset in future actuarial valuations.

BACKGROUND

We have been asked to prepare a Disclosure for the above Government Code Sections regarding salary changes proposed for 245 General County members covered under ESC. The proposed changes in salaries and benefits that we have reviewed were provided by the County and are outlined in Exhibit 1 attached.

Prior to authorizing changes in salaries or benefits, we understand that the above Government Code Sections require certain disclosures be provided, including an explanation of the financial impact that the proposed benefit change or salary increase will have on the funding status of the county employees' retirement system.

RESULTS

After reviewing the proposed salary increases for employees covered under ESC as provided by the County and outlined in Exhibit 1, we have concluded that the assumptions applied in the December 31, 2016 Valuation to develop the employer costs for the 2018/2019 Fiscal Year for the General County membership group, are not sufficient to cover the costs of the proposed salary increases under Items 1 and 2 for this group.

The proposed salary increases under Items 1 and 2, as described herein, would increase the General County total employer and employee normal cost by approximately \$3,000 in the first year. When averaged over Plans A and B, a General County employee is expected to pay about 43% of the total normal cost¹, resulting in an increase to the employer's normal cost contribution by roughly \$2,000. Additionally, the proposed salary increases would increase the General County Unfunded Actuarial Accrued Liability (UAAL) by \$43,000, which translates to an increase in the amortization payment by approximately \$3,000 in the first year, for a total employer contribution increase of about \$5,000.

We understand Items 1 and 2 in Exhibit 1 to be a one-time lump sum payment (with the exception of Item 2 which will have an additional payment made in Fiscal Year 2019/2020). Due to the one-time nature of these proposed changes, the above costs associated with Items 1 and 2 may be offset to some extent in future actuarial valuations should the employees' salary revert back to the lower salary amounts. However, if some Plan A members subsequently retire from SCERA with these salary increases included in their final average salary determination, then SCERA may not realize the potential cost reduction for those members.

¹ The 43% of the total normal cost expected to be paid by the General County employees reflects payment of 50% of the Normal Cost by Plan B members, however, for Plan A members it has been calculated prior to reflecting any additional contributions (i.e., above those determined under the County Employees Retirement Law of 1937 for Plan A members) that may have been agreed to be paid by those employees covered under ESC.

ANALYSIS

Exhibit 1 (attached) outlines the proposed changes to the elements of pay. For those changes of pay elements that are deemed to increase pensionable pay, we have included our analysis below.

Elements of Pay Impacting Pensionable Salary

The employer costs developed in our Actuarial Valuation and Review as of December 31, 2016 includes a 3.50% annual wage growth assumption that is applied to project all future salary amounts for pension purposes.

In Exhibit 1 we have listed the two items and the associated increase in the proposed pensionable elements of pay. The total increase in General County salary for Items 1 and 2 is expected to be approximately \$688,037. This is equivalent to \$2,808 each over the 245 General ESC positions that have been communicated to us by the County. Even though we do not have complete data as to the exact employees who would be eligible for the proposed changes, if we take the average salary increase stated above of \$2,808² and divide it by the average General ESC member salary of \$78,164² (as provided by the County), we estimate an average increase in salary of 3.59% as a result of the proposed changes. This increase is more than our 3.50% wage increase assumption by 0.09%. Please refer to the Results section of this letter for the contribution increase from these salary changes.

Elements of Pay Not Impacting Pensionable Salary

It is our understanding that SCERA and the County have rendered a determination that Items 3 and 4 in Exhibit 1 would not further increase a member's pensionable pay,³ Item 5 would not further increase the County's pension contributions, and Items 6 through 8 are non-pensionable elements of pay. Therefore, these items will not have any impact on the level of benefits and will not increase the employer cost of the plan.

The undersigned is a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

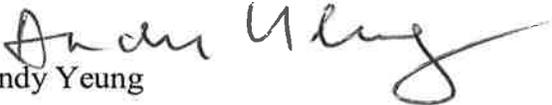
² These amounts have been calculated for 245 employees totaling 236 Full Time Equivalent employees.

³ By designating Items 3 and 4 as holiday time only changes the nature of the pay (from regular pay to holiday pay) but the pay itself will continue to be counted as pensionable.

Ms. Julie Wyne
October 17, 2018
Page 4

Please let us know if you have any questions on this information.

Sincerely,


Andy Yeung

EK/gxk
Enclosure

Exhibit 1

Summary of Elements of Pay – ESC

Item	Elements of Pay Impacting Pensionable Salary		
		Eligible Employee Count	Estimated Amount
1	One time lump sum	General: 245	General ⁴ : \$633,443
2	Two installments lump sum	General: 76 FTE	General ⁵ : \$54,594
	Elements of Pay <u>Not</u> Impacting Pensionable Salary		
3	8 hours of holiday time on Cesar Chavez day		
4	16 hours of floating holiday time between January 2019 & June 2019		
5	Elimination of 44.5 unpaid furlough hours ⁶		
6	Increase in County's contributions for Medical Premiums		
7	Reimbursement to renew professional licenses		
8	Increase in value for uniform vouchers		

⁴ The estimated cost for item 1 was provided by the County.

⁵ The estimated cost for item 2 was provided by the County and represents the first of two installment payments, which is expected to be made in November 2018 (during the 2018/2019 fiscal year).

We understand that there is a second installment payment in the same amount to be paid in July 2019 (during the 2019/2020 fiscal year). Due to the relatively small nature of this payment when spread over all 245 General members in ESC (an average increase of 0.3%), we have deemed that this will not have a material impact on the 2019/2020 employer costs. However, if other changes to pensionable pay are subsequently negotiated for the 2019/2020 plan year, we could re-evaluate the cost associated with the second lump sum payment if requested to do so at that time.

⁶ Based on discussions with the County, we understand that the elimination of the 44.5 unpaid furlough hours would increase the salary that is paid out by the County but would not increase the County's pension contributions, since contributions are already made on the increased salary.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 22
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number:

Hannah Spencer 565-1928

Supervisorial District(s):

4

Title: Land Conservation Act Contract Replacement; Zane Holdings LLC

Recommended Actions:

Adopt a Resolution to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with an Open Space (Type II) Land Conservation Act contract for an 80 acre property located at 9685 Dry Creek Rd., Healdsburg; APN 139-060-030; Permit Sonoma File No. AGP17-0010; Supervisorial District 4.

Executive Summary:

Sonoma County's Land Conservation Act program has four contract-types available: a) Prime contracts for crop agriculture with a 10 acre minimum parcel size requirement; b) Non-Prime contracts for grazing with a 40 acre minimum; c) Open Space contracts with a 40- acre minimum, and d) Hybrid contracts with a mix of agricultural and open space also with a 40-acre minimum. This action is to replace a Non-Prime Land Conservation Contract with an Open Space (Type II) contract to correspond with the parcel's open space use. Land Conservation Act contracts assist in the preservation of agricultural and open space lands throughout Sonoma County. In exchange for retaining land in agriculture and/or open space, the landowner receives reduced property taxes.

Discussion:

Zane Holdings LLC seeks approval of a replacement Land Conservation Contract for an 80 acre parcel located within Agricultural Preserve Area Number 2-475, based on the use of the land as open space. The project site is located in the hills above Dry Creek Valley, about one mile northeast of Warm Springs Dam and ten miles northwest of the city of Healdsburg. The site's topography consists of steep, rugged terrain with mixed oak woodlands, riparian woodlands, doug-fir woodlands, and chaparral. The project site is undeveloped and contains tributaries that feed into Dry Creek and the Russian River. This action would replace the existing Non-Prime Land Conservation Contract with an Open Space (Type II) contract to correspond with the parcel's open space use. The project site is zoned LIA (Land Intensive Agriculture) B6-40 acre density, with combining districts Z (Accessory Unit Exclusion), RC50/50 (Riparian Corridor with 50-foot setbacks), and SR (Scenic Resources).

Background:

The subject parcel has been under a non-prime contract since 1972 (contract #72-055929). According to the current landowner, the property has never been used for a non-prime agricultural use due to the steepness of the terrain. In February 2015, a *Wildlife Habitat Study* was conducted on the site and three adjacent parcels (totaling 352 acres) by Kjeldsen Biological Consulting (refer to Attachment C). The purpose of the Wildlife Habitat Study was to evaluate the project site for its qualification as an Open Space Land Conservation Act contract. The Wildlife Habitat Study concludes the property presents the open space qualities and wildlife resources consistent with an Open Space contract. The Land Conservation Plan (refer to Exhibit B) requires the landowner to implement management practices that will enhance and maintain the wildlife habitat values identified by Kjeldsen Biological Consulting.

Uniform Rules:

As part of the Board of Supervisors' December 2011 update of the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* ("Uniform Rules") the Board eliminated the distinction between Prime (Type I) and Non-Prime (Type II) Agricultural Preserves. This allows the County to enter into either a Prime or Non-Prime contract in any established Preserve. The subject 80 acre property is within the boundaries of established Agricultural Preserve Area Number 2-475.

Also, as part of the update of the Uniform Rules, the County has implemented use of a Land Conservation Plan which is incorporated into a Land Conservation (Williamson) Act Contract. Land Conservation Plans show locations of various agricultural, open space, permitted, and compatible land uses on contracted land. Future changes to the Land Conservation Plan may be approved by the Director of Permit Sonoma and recorded on title of the subject parcel.

Staff Recommendation:

Staff recommends the Board approve the request to rescind and replace the existing non-prime contract with a new open space contract because all of the state and local requirements for the replacement Open Space Land Conservation Act Contract for the 80 acre parcel within the existing Agricultural Preserve have been met.

Prior Board Actions:

- a. On December 13, 2011, the Board approved the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678).

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Agricultural Preserves and Land Conservation Act Contracts support agriculture and agribusiness by assisting in the preservation of agricultural land through the incentive of reduced property taxes in exchange for retaining the land in agricultural production.

Fiscal Summary			
Expenditures	FY 16-17 Adopted	FY 17-18 Projected	FY 18-19 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
<p>Approval of the Land Conservation Act Contract means that the owner will pay a reduced property tax assessment based upon the value of the agricultural uses rather than the land value under Proposition 13. This results in a reduction in the County's share of property tax revenue for each parcel under a Land Conservation Act Contract. The amount of this reduction for an individual contract depends on parcel-specific variables including the Proposition 13 status of the land and the value of the agricultural crop, and is determined annually by the Assessor's Office. For this particular replacement contract, the Assessor estimates there will be no change in property assessment value.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
N/A			
Attachments:			
<p>Draft Board of Supervisors Resolution Attachment A: Proposal Statement prepared by Curtis & Associates, dated April 2017 Attachment B: Site Plan Attachment C: Wildlife Habitat Study prepared by Kjeldsen Biological Consulting, dated February 2015 Attachment D: Assessor's Parcel Map</p>			

Related Items “On File” with the Clerk of the Board:

Land Conservation Act Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan).



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____

Resolution Number: _____

AGP17-0010 Hannah Spencer



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By Zane Holdings LLC to Rescind An Existing Non-prime (Type II) Land Conservation Act Contract And Replace It With An Open Space (Type II) Land Conservation Act Contract And Authorize The Chair Of The Board To Execute The New Land Conservation Act Contract And Land Conservation Plan, For Open Space Land Located At 9685 Dry Creek Rd., Healdsburg; APN 139-060-030.

Whereas, a request has been made by the property owner to authorize the Chair of the Board to rescind an existing Non-prime (Type II) Land Conservation Act Contract and replace it with an Open Space (Type II) Land Conservation Act contract for property located at 9685 Dry Creek Rd., Healdsburg; APN 139-060-030; Supervisorial District No. 4; and,

Whereas, in 1972, the subject property was entered into a Non-prime (Type II) Land Conservation Act contract (contract #72-055929); and,

Whereas, according to the current property owner, the subject property was never used for non-prime agricultural uses due to steepness of the terrain; and,

Whereas, on December 13, 2011, the Board of Supervisors adopted the updated *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules)* (Resolution No. 11-0678); and,

Whereas, consistent with the *Uniform Rules*, County Counsel has revised the Land Conservation Act Contract form, which now incorporates a Land Conservation Plan identifying the agricultural and/or open space uses of the contracted land. Future changes to identified land uses require amendment of the Land Conservation Plan. The Board, pursuant to Resolution No. 11-0678, has authorized the Director of Permit Sonoma to approve amendments to executed Land Conservation Plans; and,

Whereas, Sonoma County's Land Conservation Act program has four contract-types available: a) Prime contracts for crop agriculture with a 10 acre minimum parcel size requirement; b) Non-Prime contracts for grazing with a 40 acre minimum; c) Open Space

contracts with a 40- acre minimum, and d) Hybrid contracts with a mix of agricultural and open space also with a 40-acre minimum. This action is to replace a Non-prime Land Conservation Contract with an Open Space contract to correspond with the parcel's open space use; and,

Whereas, the Board of Supervisors finds that the 80 acre parcel will meet the requirements for a replacement Open Space Land Conservation Act Contract.

Now, Therefore, Be It Resolved, that the Board of Supervisors makes the following specific findings concerning the requirements for a new Open Space Land Conservation Act Contract ("Contract"):

1. Land is within an Agricultural Preserve: The 80 acre parcel is located within established Agricultural Preserve Area Number 2-475.
2. Minimum Parcel Size: The land must be at least 40 acres in size for an Open Space Land Conservation Act Contract. The 80 acre parcel exceeds the minimum parcel size requirement.
3. Open Space Use Requirement: A minimum of 50 percent of the land is required to be continuously used or maintained for agricultural uses, open space uses, or a combination of agricultural and open space uses. The 80 acre parcel is undeveloped and 100 percent of the land is devoted to open space uses.

A wildlife habitat area is defined at Uniform Rule 2.0 as "land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the California Department of Fish and Game, as an area of importance for the protection or enhancement of the wildlife resources of the state. Wildlife habitat includes any land area designated in the General Plan as a biotic habitat area or riparian corridor."

In February 2015, a *Wildlife Habitat Study* was conducted on the site by Kjeldsen Biological Consulting. The purpose of the Wildlife Habitat Study was to evaluate the project site for its qualification as an Open Space Land Conservation Act contract. The Wildlife Habitat Study concludes the property presents the open space qualities and wildlife resources consistent with an Open Space contract. Specifically, Kjeldsen Biological Consulting found the entire property is in open-space undisturbed natural habitat and that protection of this wildlife habitat area provides a variety of ecosystem services, including:

- Corridors for biological access to diverse essential ecosystem resources allowing seasonal movement and gene flow;
- Breeding and foraging habitat for local and migratory wildlife and avifauna;
- Preservation of diverse plant alliances and natural biota;

- Preservation of biological diversity;
- Protection of and preservation of portions of the watershed;
- Carbon sequestration;
- Improve air quality;
- Alter microclimate;
- Natural areas for nutrient recycling (decomposition) by bacteria and fungi that will support terrestrial and aquatic resources on site and off site;
- Soil development and retention;
- Ground water recharge of aquifers; and
- Retention of viewshed.

The attached Land Conservation Plan requires the landowner to implement management practices that will enhance and maintain the wildlife habitat values identified by Kjeldsen Biological Consulting.

The biological report was provided to the California Department of Fish and Wildlife (formerly Department of Fish and Game) along with a request for consultation and recommendation, but no response has been forthcoming. Based on the biological resource survey and Department of Fish and Wildlife's non-response, staff recommends that the Board find sufficient evidence to support an open space designation for the subject parcel by approving the present contract based on the parcel's 80 acres of open space uses.

4. Single Legal Parcel Requirement: The subject parcel proposed for the replacement contract is comprised of a single legal parcel with the following Assessor's Parcel Number: APN 139-060-030.
5. Compatible Uses for Open Space Land: Compatible uses of the land must be listed in the Uniform Rules as compatible uses and collectively, cannot occupy more than 15 percent or 5 acres of the total parcel size, whichever is less, excluding public roads, private access roads, and driveways. For this parcel, the 5 acre threshold would apply. The parcel is undeveloped and therefore meets the 5-acre threshold.

Be It Further Resolved, that the Board of Supervisors hereby grants the request by Zane Holdings LLC to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with an Open Space (Type II) Land Conservation Act contract on 80 acres within an existing Agricultural Preserve (2-475), and authorize the Chair of the Board to sign the new Open Space Land Conservation Act Contract for APN 139-060-030.

Be It Further Resolved, that the Clerk of the Board of Supervisors is hereby instructed to record within 20 days and no later than December 31, 2018 (1) this Resolution and Attachment A (the Agricultural Preserve Map) and (2) the associate Land Conservation Act Contract and attached Land Conservation Plan

with the Office of the Sonoma County Recorder.

Be It Further Resolved, that the Board of Supervisors finds that the project described in this Resolution is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15317 Class 17 of Title 14 of the California Code of Regulations (CEQA Guidelines) in that the project is within an established Agricultural Preserve and is a replacement of a Land Conservation Act Contract.

Be It Further Resolved, that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based, including the original executed Contract and Land Conservation Plan. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

CURTIS & ASSOCIATES

LAND SURVEYING SERVICES

805 HEALDSBURG AVENUE

HEALDSBURG, CALIFORNIA 95448

707-433-4808

FAX 707-433-9918

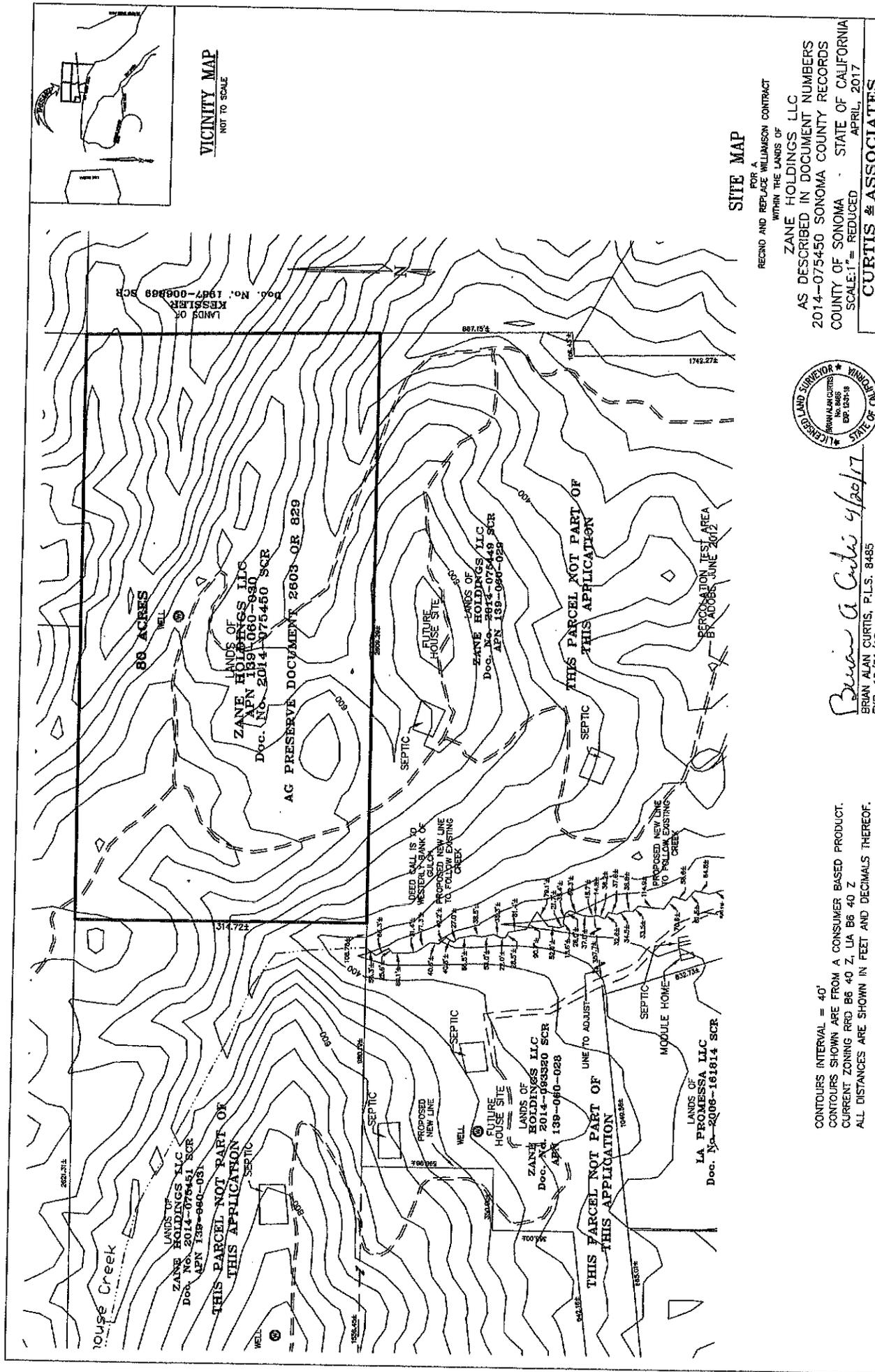
April 5, 2017

2014-001

PLP14-0030

**PROPOSAL STATEMENT
FOR RESCIND AND REPLACE
OF WILLIAMSON CONTRACT
APN: 139-060-030**

The purpose of this application is to bring a non-conforming parcel to a conforming parcel. The current contract is a Type II which has never been used for that purpose due to the steepness of the terrain. Requesting the parcel be replaced to be an Open Space contract in order to bring this parcel into conformance.



SITE MAP

FOR A
 RECORD AND REPLACE WILLIAMSON CONTRACT
 WITHIN THE LANDS OF
ZANE HOLDINGS, LLC
 AS DESCRIBED IN DOCUMENT NUMBERS
 2014-075450 SONOMA COUNTY RECORDS
 COUNTY OF SONOMA STATE OF CALIFORNIA
 SCALE: 1" = REDUCED APRIL, 2017
CURTIS & ASSOCIATES
 805 HEALDSBURG AVE. HEALDSBURG, CA 95448 · (707) 833-4606
 A.P.N. 139-080-030 SHEET 1 OF 1 (4-00)



Brian A. Curtis 4/20/17
 BRIAN ALAN CURTIS, P.L.S. 8485
 EXP. 12/31/18

CONTOURS INTERVAL = 40'
 CONTOURS SHOWN ARE FROM A CONSUMER BASED PRODUCT.
 CURRENT ZONING RRD B6 40 Z, LA B6 40 Z
 ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

WILDLIFE HABITAT STUDY

Zane Holdings LLC

9680 Dry Creek Road Healdsburg CA, 95448

APN 139-060-28, 29, 30, and 31



Prepared

By

Kjeldsen Biological Consulting

923 St. Helena Ave.

Santa Rosa, CA 95404

For

Zane Holding LLC

PO Box 2008

Cupertino, CA 95915

February 2015

TABLE OF CONTENTS

EXECUTIVE SUMMARY

A.	PROJECT DESCRIPTION.....	1
	A.1 Introduction	
	A.2 Purpose	
B.	SURVEY METHODOLOGY.....	3
	B.1 Field Survey Methodology	
C.	RESULTS / FINDINGS.....	4
	C.1 Project Description Biological Setting	
	C.2 Habitat Types Present	
	C.3 Special-Status Species(s)	
	C.4 Open Space Qualities and Wildlife Resources	
D.	DISCUSSION & CONCLUSIONS.....	17
E.	LITERATURE CITED /REFERENCES.....	19
	E.1 Literature and References	
	E.2 Names and Qualifications of Field Investigators	

PHOTOGRAPHS **Figures** **1 to 5**

PLATES

Plate I	Location / Site Map
Plate II	CDFW CNDDDB Rare Find Map
Plate III	Aerial Photo/Wildlife Corridors
Plate IV	General Wildlife Habitat Types

APPENDIX A. **Flora and Fauna Observed**

APPENDIX B. **CNPS Special Status-species Listed for the Project Quadrangle and Surrounding Quadrangles**

U.S. Fish and Wildlife Service Listed Species for the Quadrangle

California Department of Fish and Wildlife Rare Find 5 Species list for the Quadrangle and Surrounding Quadrangles for Habitat found on the project site

EXECUTIVE SUMMARY

This study was conducted at the request of Brian Curtis PLS, Curtis & Associates Land Surveying Services, on behalf of the property owner. The project proposes placement of the property into a Type II Non-Prime Agricultural Land contract. The property extends upslope on the north side of Dry Creek Road above Dry Creek Valley. The property consists of four parcels that total approximately 352.95 acres. There are 20.03 acres of planted vineyards on the properties. Approximately 85% of the property is open-space wildlife habitat with connectivity to US Government held lands associated with Lake Sonoma.

The purpose of the study and report is to provide background information to the California Department of Fish and Wildlife to determine that the property contains sufficient biological resources, which would be considered as “Wildlife Habitat Areas.” The information is required for evaluating and processing of the application to consider the parcels as “Agriculture Preserve” under the Williamson Act.

Our findings are based on analysis of pertinent literature, onsite study, habitat types present, and the relationship of the parcels to surrounding habitat and biological resources. Our fieldwork was conducted on January 9 and 27, 2015.

- Approximately 85% of the property is open-space undisturbed natural habitat;
- Only the vineyard blocks are deer fenced leaving open space corridors (Plate III) through and around the agricultural elements;
- The parcels contain significant wildlife corridors allowing movement through and within the property;
- The parcels are within the watershed of Dry Creek and the Russian River;
- The plant communities/associations or habitat types present on the undeveloped land of the parcels would be termed: Forest or Woodland Alliances (four different types), Riparian Woodland, Shrubland/Chaparral Alliance (Chamise Chaparral) and a small representation of Grassland Semi-natural Herbaceous Stands with Herbaceous Layer.

Open Space Qualities and Wildlife Resources:

- The primary consideration is that undeveloped natural areas of the parcels are effectively linked to vast areas of the Coast Range Mountain habitat. The undeveloped open space access (lack of perimeter deer fencing) on the parcels effectively provides wildlife with unobstructed access through and across the parcels;
- The diversity of the vegetation on the parcels provides habitat that allows diverse animal foraging and cover;
- The proximity of the property to Lake Sonoma and its biological accessibility from the adjacent large undeveloped parcels of the Coast Range Mountains offers high potential for support, migration and dispersal of local wildlife species;
- The habitat types and or plant communities with their interfacing “edges” support a wide array of fungi, lichens, mosses, ferns, conifers and flowering plants, insects, amphibians reptiles,

- birds and mammals;
- The Forest or Woodland Alliances present on the proposed Wildlife Habitat Areas provide foraging and nesting needs for local wildlife. Conifer and Oak Woodlands as plant communities and wildlife habitat have been lost and impacted throughout California;
 - The parcels show a diversity of age class structure within the Forest or Woodland Alliances present; and
 - Native bunch grasses are surviving on the property. This type of habitat is becoming increasingly rare in the County and State, and is easily destroyed by livestock grazing and intensive land use.

Ecological Functions and Services:

- The proposed Open Space Preserve is within a portion of the watershed of School House Creek a Tributary of Dry Creek and the Russian River. As a watershed it functions to: maintain surface water quality through filtration and decomposition of pollutants, recharge of groundwater resources, maintain water quality through silt retention and by filtering out sediment and nutrients from run-off, the prevention of flooding and minimization of channel erosion by slowing surface runoff;
- The habitat types and the absence of cattle grazing offer a high quality environment for local wildlife and plant species; and
- The property provides a corridor link from the open space lands to the north and east to Lake Sonoma allowing genetic dispersal of wildlife as well as botanical gene flow.

Biotic resources in California are being lost as well as natural habitat. The proposed amendment will protect and preserve wildlife habitat on the parcels as well as providing connectivity to extensive areas of the Coast Range Mountains. Open Space Preserve and Wildlife Habitat Areas also will function as areas for retention of botanical resources, watershed and biological diversity. The property is a rich mosaic of habitat types and botanical resources. In addition there are extensive Oak Woodlands, which have been severely impacted and lost in the region. The size and connectivity of the property offers high potential for the sustainable support of a rich diversity of wildlife.

WILDLIFE HABITAT STUDY

Zane Holdings LLC

9680 Dry Creek Road Healdsburg CA, 95448

APN 139-060-28, 29, 30, and 31

A PROJECT DESCRIPTION

This study was conducted at the request of Brian Curtis PLS, Curtis & Associates Land Surveying Services on behalf of the property owner. The project proposes an amendment to the existing Williamson Act Contract for the parcels. The owner proposes placement of the property into a Type II Non-Prime Agricultural Land contract.

A.1 Introduction

The property extends upslope on the north side of Dry Creek Road above Dry Creek Valley. The property consists of four parcels that total approximately 353 acres. There are 20.03 acres of planted vineyards on the property. Approximately 85% of the property is open-space wildlife habitat with connectivity to US Government held lands associated with Lake Sonoma.

The land use in the local area consists of rural/residential housing and agricultural lands such as open grazing lands vineyards and olive orchards along Dry Creek Road and open space woodlands on the west, north and east of the property.

Plate I provides a Site and Location Map of the property. Plate IV is an aerial photograph of the property showing vegetation types and vineyard locations.

The Williamson Act or California Land Conservation Act of 1965 is a legislative act intended to preserve agriculture and agricultural lands (Government Code Section 51200-51207). The act also allows upon consultation, consideration of “Wildlife Habitat Area” as “areas of great importance for the protection or enhancement of the wildlife resources of the state” and also consideration of Open Space Use as “the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness, to provide essential habitat for wildlife.”

Our findings and conclusions are based on literature resources, field conditions, plant associates, habitat present, the association of the property with adjacent properties including the Lake Sonoma, the remoteness and inaccessibility of significant portions of property, the lack of perimeter vineyard deer fencing, and the familiarity with other properties in the area. Our 2015 fieldwork was a winter analysis of the property, which is reflected in the species list attached. Seasonal studies will undoubtedly find numerous additional plant and animal species as residents on the property or transient in their appearance as they migrate through.

A.2 Purpose

The purpose of the study and report is to provide background information to the California Department of Fish and Wildlife to determine that the property contains sufficient biological resources which would be considered as “Wildlife Habitat Areas.” The information is required for evaluating and processing the application to consider the parcels as “Agriculture Preserve” under the Williamson Act.

B SURVEY METHODOLOGY

Our fieldwork and property survey is a reconnaissance level survey and was undertaken to provide sufficient information for determining the quality of wildlife habitat value on the property and the potential connectivity to local adjoining biological resources, which would provide justification for consideration of the property as a candidate for Williamson Act Open Space Preserve and Wildlife Habitat Area.

B.1 Field Survey Methodology

Fieldwork was conducted by driving access roads and walking the property with two personnel (Chris K. Kjeldsen and Daniel T. Kjeldsen). We reviewed the neighboring parcels from the edges of the property (private property was not entered), aerial photographs and from available access roads. Field surveys were conducted on January 9 and 27, 2015. Our fieldwork is a reconnaissance level study.

Our fieldwork studied the property and surrounding habitat, noting habitat types or plant community/associations and searching for special-status organisms or the presence of suitable habitat, which would support special-status organisms animal or plant species that are listed by the State, Federal Government, or California Native Plant Society. Special-status species with potential for the area are recorded by the California Native Plant Society (CNPS), California Department of Fish and Wildlife (CDFW) Natural Diversity Data Base (CNDDDB), and Federal Endangered and Threatened Species known for U.S.G.S. 7 1/2 Minute Quadrangle and the nine surrounding Quadrangles listed by the United States Department of Interior Fish and Wildlife Service (USFWS).

Plants were identified in the field or specimens were collected, when necessary, for laboratory examination with a binocular microscope. Voucher material for selected individuals is in the possession of the authors. All plants observed (living and or remains from last season's growth) were recorded in field notes. A complete record of all plant species observed and collected as voucher material is presented in Appendix A. Dr. Kjeldsen has a CDFW Collecting Permit.

Animals were identified in the field by their sight, sign, or call. Our field technique for surveying and identification of birds was facilitated with the aid of field binoculars.

The area was surveyed to determine whether raptor nests were present on the property. Surveys consisted of scanning the trees on the property with binoculars searching for nests or bird activity. The property was surveyed for bat breeding habitat by looking for roosting habitat crevasses and evidence of roosting.

Wildlife corridors were evaluated by searching for game trails. Game trails were present and randomly located across and through the property.

Photographs for this report were taken using a Nikon digital camera and printed on an Epson Stylus C88 printer to illustrate field conditions. Selected photographs are included in this report.

C RESULTS / FINDINGS

Our results and findings are based on our site visits and background material available for the project.

C.1 Property Description / Biological Setting

Figures 1 to 5 below illustrate habitat found on the property and Plate III shows the wildlife corridors. The property is within the Cloverdale USGS Quadrangle near the edge of the Asti Quadrangle. The parcels extend upslope from the Russian River with predominantly southwest facing slopes. The property drainage is by sheet flow into Schoolhouse Creek and unnamed tributaries of the Russian River. The upper areas of the property have varying views (up to 180 degrees) of Dry Creek and Lake Sonoma. Likewise, parts of this property form scenic view shed from Dry Creek Road.

C.2 Habitat Types Present

It is generally convenient for descriptive needs, to refer to the vegetation associates on a property as a plant community. Plant communities are usually identified by the dominant vegetation form or dominant species present. There have been numerous community classification schemes proposed by different authors using different systems for classification of vegetation on a site with the assumption that there are discrete boundaries. There is also evidence that the vegetation on the site is part of a continuum without well-defined boundaries and that the vegetation associates integrate with one another over the landscape. Natural communities normally have the following attributes: 1) they are physically defined including a given structure and discernable edges or transitions to adjacent communities, 2) they reflect distinct environmental conditions with a composition of characteristic species and can be considered ecological units, 3) they cover a discrete area, and 5) they form units that are treated as habitats by animals and plants and are ecosystems.

Biotic Communities integrate the concept of assemblages of plants and animals in a discrete area of the landscape associated with particular soils climate and topographic conditions.

The plant communities/associations or habitat types present on the undeveloped land of the parcels are the following: Forest or Woodland Alliances (four different alliances), Shrubland/Chaparral Alliance (Chamise Chaparral), Riparian Zone Woodland and Grassland (Semi-natural Grassland with Herbaceous Layer).

Each of these vegetation types is described below using the classification system of Sawyer 2009. Figures 1-5 illustrate portions of the different vegetation types present as mapped in Plate IV (two of the vegetation types Redwood Forest and Madrone Forest included within the Doug-Fir and Mixd Oak Woodlands on Plate IV). The vegetation cover acreage of each of these alliances is summarized in the table below.

Table I. Approximate Acreage of Vegetation Coverage

Vegetation Type	Acreage	Notes See Also Plate IV
Forest Woodlands Alliance (Mixed Oak Woodland)	152	Dominate Undeveloped Portions of the Parcels
Forest Woodlands Alliance (Douglas-fir Woodland)	118	Present along slopes and ridges of the property
Forest Woodlands Alliance (Madrone Woodland)	5	Present along South facing ridges
Forest Woodlands Alliance (Redwood Woodland)	5	Present on slopes of Schoolhouse Creek
Chaparral	35	Hillside on East side of Parcel
Riparian Woodlands	8	Along Edge of Schoolhouse Creek and Unnamed tributary on east side of property.
Grassland (Semi-natural Herbaceous Stand)	4	Small patches along edge of Vineyards and in forest openings along access roads.
Vineyard	20.03	APN 139-060-28 and 29
Roads and Infrastructure	8	Disturbed or within Vineyard Fencing.

Property Total = 352.96-Acres

FOREST OR WOODLAND ALLIANCES

Woodland Alliances are characterized by a dominant tree overstory and different degrees of understory development. Fire management, canopy age and degree of closure, windfalls, historic use, substrate base, aspect and rainfall are variables that control the degree of understory shrubs, herbs and tree recruitment.

Woodland/Forest. The woodland/forest vegetation dominates the property. The most prominent oak woodland/forest type consisting of Oak Woodlands (Sawyer, et al, 2009) This woodland is dominated by live and black oak, but several other species of oaks and other trees are present in varying densities. Understory vegetation is limited because of canopy closure and leaf litter. Scattered herbaceous vegetation includes native grasses such as California fescue (*Festuca californica*) and blue wildrye (*Elymus glaucus*). Native forbs (herbaceous flowering plants that are not graminoids) in the understory include milk maids (*Cardamine californica*), Indian warrior (*Pedicularis densiflora*), and blue dicks (*Dichelostema capitata*). The property's woodland alliance appears to be of a relatively mature Oak age class.

The forest or woodlands on the parcels are considered to be Cismontane Woodlands or Oak Woodlands. The composition varies throughout the landscape of the property depending on aspect, soils and historic use. Local Oak woodlands have undergone many changes due to human management and impacts. They were a valuable food source for Native Americans and were managed by the use of fire to increase acorn production and wildlife resources. They were considered to be “weeds” by ranchers raising cattle and by foresters looking for conifer production. The Oak Woodlands in the area were extensively cut for firewood and charcoal production for the

early Californians in the absence of coal. Limited lumber and railroad tie production also impacted Oak Woodlands.

The Forest or Woodland Alliances on the property consist of:

- 1) *Quercus (agrifolia, douglasii, garryana, kelloggii, lobata, wislizeni)* Forest Alliance Mixed Oak Forest;
- 2) *Pseudotsuga menziesii* Forest Alliance Douglas fir Forest;
- 3) *Arbutus menziesii* Forest Alliance Madrone Forest; and
- 4) *Sequoia sempervirens* Forest Alliance Redwood Forest.

Each of these alliances is described below as well as the membership rules as per Sawyer (2009).

Forest Alliance Mixed Oak Woodland; *Quercus agrifolia*, *Q. douglasii*, *Q. garryana*, *Q. kelloggii*, *Q. lobata* and/or *Q. wislizeni* are co-dominant in the tree canopy with *Aesculus californica*, *Arbutus menziesii*, *Pinus sabiniana*, *Pseudotsuga menziesii*, and *Umbellularia californica*. Trees > 30 m. The canopy is intermittent to continuous. Shrubs are infrequent or common, herbaceous layer is sparse or abundant, may be grassy. This Alliance is found in valley and on gentle to steep slopes. The membership rules require three or more *Quercus* species present at >30% constancy and they are co-dominant in the tree canopy.

Wildlife: Mixed Oak Woodlands are productive for wildlife and support a variety of shrub and herbaceous species. The understory associates vary with aspect, fire history and grazing pressure. The annual acorn crop provides an important food source for many species of birds and mammals particularly deer and the introduced wild turkey. Numerous insects feed on oaks. The wildlife associated with Oak Woodlands includes the following: deer, squirrels, mountain lion, coyote, striped skunk, bobcat, fox and numerous rodents. Numerous fungi including many mycorrhizal fungi are associated with this species. Many mosses, liverworts and lichens are associated with these trees. Reptiles in this habitat include: western fence lizard, alligator lizard, king snake, common gopher snake, and western rattlesnake. Amphibians include: salamanders, frogs, newts, and toads. Many of California's birds are associated with this habitat.

Forest Alliance Douglas fir Forest; *Pseudotsuga menziesii* is dominant or co-dominant with hardwoods in the tree canopy with *Abies concolor*, *Acer macrophyllum*, *Alnus rhombifolia*, *Arbutus menziesii*, *Calocedrus decurrens*, *Chamaecyparis lawsoniana*, *Chrysolepis chrysophylla*, *Cornus nuttallii*, *Pinus contorta*, *P. lambertiana*, *P. jefferyi*, *Quercus agrifolia*, *Q. chrysolepis*, *Q. garryana*, *Q. kelloggii* and *Sequoia sempervirens*. Membership rules >50% relative cover in the tree canopy and reproducing successfully, though hardwoods may dominate or co-dominate in the subcanopy and regeneration layer. Trees >75 m; canopy is intermittent to continuous, and it may be two tiered. Shrubs are infrequent or common. Herbaceous layer is sparse or abundant. North Coast interior stands are local and often associated with relic populations of *Sequoia sempervirens*. *Pseudotsuga menziesii* Forest Alliance in some instances are a seral stage in Oak Woodlands and in the absence of fires will reach a climax stage eliminating associated oaks.

Wildlife: Douglas fir Woodlands are not as productive for wildlife as other woodlands but the presence of snags older woodlands are valuable for wildlife. The cones are an important food

source for many species of birds and mammals. Douglas Fir trees are significant symbionts for mycorrhizal fungi with roots supporting as many as 300 different species of fungi. Numerous insects also feed on these trees and they are rich in lichens. The wildlife associated with Douglas Fir Woodlands includes the following: deer, squirrels, mountain lion, coyote, striped skunk, bobcat, fox and numerous rodents. Reptiles in this habitat include: western fence lizard, alligator lizard, king snake, common gopher snake, and western rattlesnake. Amphibians include: salamanders, frogs, newts, and toads. Many of California's birds are associated with this habitat.

Forest Alliance Madrone Forest; *Arbutus menziesii* is dominant or co-dominant tree in the canopy with *Acer macrophyllum*, *Notholithocarpus densiflorus*, *Pseudotsuga menziesii*, *Quercus agrifolia*, *Q. chrysolepis*, *Q. kelloggii*, *Q. wislizeni* and *Umbellularia californica*. Trees < 50m; canopy is continuous. The shrub layer is sparse to intermittent. Herbaceous layer is sparse. Membership rules *Arbutus menziesii* >50% relative cover in the tree canopy. *Arbutus menziesii* groves are considered, as part of the mixed evergreen forest and in most cases the species is common as a secondary species in many forest types. *Arbutus menziesii* is a fast growing evergreen hardwood, that can live for 500 years.

Wildlife: Madrone Woodlands are productive for wildlife. The annual berry provides an important food source for many species of birds and mammals. Numerous insects also feed on the leaves. The wildlife associated with Madrone Woodlands includes the following: deer, squirrels, mountain lion, coyote, striped skunk, bobcat, fox and numerous rodents. Reptiles in this habitat include: western fence lizard, alligator lizard, king snake, common gopher snake, and western rattlesnake. Amphibians include: salamanders, frogs, newts, and toads. Many of California's birds are associated with this habitat.

Forest Alliance Redwood Forest; *Sequoia sempervirens* is dominant or co-dominant in the tree canopy with *Abies grandis*, *Acer macrophyllum*, *Alnus rubra*, *Arbutus menziesii*, *Chrysolepis chrysophylla*, *Notholithocarpus densiflorus* var. *densiflorus*, *Pseudotsuga menziesii*, *Tsuga heterophylla*, and *Umbellularia californica*. Trees <120m tall; canopy is intermittent or continuous it may be two tiered. Shrubs are infrequent or common. Herbaceous layer is absent or abundant. Membership rules *Sequoia sempervirens* > 50% relative cover in the tree canopy, or > 30% relative cover with other conifers such as *Pseudotsuga menziesii* or with a lower tier of hardwood trees such as *Notholithocarpus densiflorus* var. *densiflorus*. *Sequoia sempervirens* occurs in moist coastal areas with heavy summer fog.

Wildlife: Redwood Woodlands support much of the same wildlife as the Oak and Madrone woodlands. The primary role of redwood trees is the cover and structure that they provide for wildlife particularly birdlife. As a food source they are limited. Numerous insects use the branches bark and leaves as habitat. The wildlife associated with Redwood Woodlands includes the following: deer, squirrels, mountain lion, coyote, striped skunk, bobcat, fox and numerous rodents. Reptiles in this habitat include: western fence lizard, alligator lizard, king snake, common gopher snake, and western rattlesnake. Amphibians include: salamanders, frogs, newts, and toads. Many of California's birds are associated with this habitat.

SHRUBLAND / CHAPARRAL ALLIANCES

Chaparral Alliance is a structurally homogeneous brushland type dominated by shrubs with thick, stiff, heavily cutinized evergreen leaves. Shrub height and crown cover vary considerably with age since last burn, precipitation regime aspect, and soil type. At maturity, the structure is typically is a dense, nearly impenetrable thicket with greater than 80 percent absolute shrub cover. Canopy height ranges from 1 to 4 m, occasionally to 6 m. Considerable leaf litter and standing dead material may accumulate in stands that have not burned for several decades. Due to the dense nature of the shrublands on the site, the understory is limited or lacking.

Shrublands (chaparral) on the property cover areas of shallow soils in the western, and north edges of portions of the property. The dominant plant species that define the chaparral habitat sub-type will be dependent on the soil substrate. The principal shrub constituents of Chaparral/Scrub are; chemise (*Adenostoma fasciculatum*), manzanita (*Arctostaphylos* spp.), sticky monkey flower (*Mimulus aurantiacus*), yerba-santa (*Eriodicyton californicum*) ceanothus (*Ceanothus* spp.), scrub oak (*Quercus berberidifolia*), poison oak (*Toxicodendron diversilobum*), California broom or coyote brush (*Baccharis pilularis*), rabbit brush (*Chrysothamnus parryi* ssp. *laticor*), manzanita (*Arctostaphylos glandulosa* ssp. *glandulosa*), chaparral pea (*Pickeringia montana*), California coffee berry (*Frangula californica* ssp. *californica*), toyon (*Heteromeles arbutifolia*) and pitcher sage (*Lepchinia calycina*).

This vegetation type has been divided by numerous authors into Mixed Chaparral/Scrub, , and Chamise Chaparral. Chaparral plants are usually found in areas with Mediterranean climate that have shallow-rocky, low-nutrient soils, steep slopes, and a high degree of solar exposure. Chaparral communities are usually found on south facing slopes or areas where water is not retained in the soil profile. This combination of physical factors results in xeric plants growing under stressed edaphic conditions. Chaparral is a vegetation type that is restricted to dry, exposed slopes and is typical for the ridges and slopes of the interior Coast Range Mountains of the County. Chaparral vegetation consists mainly of shrubs that are woody and with leaves adapted to xeric conditions (Holland and Kiel, 1986) that are typically small-waxy leaves. Periodic fires are characteristic of this community. Chaparral plant communities are adapted to fire, with cycles as frequent as 10 to 40 years between fires. In fact, most species require fire for seed germination and stump sprouting. Chaparral as a seral stage is threatened by the absence of a normal fire regime.

Shrubland Alliance Chamise Chaparral; *Adenostoma fasciculatum* is dominant in the shrub canopy with *Arctostaphylos glandulosa*, *A. manzanita*, *Ceanothus* spp., *Diplacus aurantiacus*, *Eriodictyon californicum*, *Eriogonum fasciculatum*, *Heteromeles arbutifolia*, *Quercus berberidifolia*, *Q. wislizeni*, and *Toxicodendron diversilobum*. Emergent trees may be present at low cover. Shrubs < 4 m; canopy is intermittent to continuous. Herbaceous layer is sparse to intermittent. Membership Rules *Adenostoma fasciculatum* >50% relative cover in the shrub canopy: codominance of *A. fasciculatum* with the following species *Arctostaphylos glandulosa* and *Ceanothus cuneatus*). This alliance occurs across cismontane California in a variety of

topographic settings. *Adenostoma fasciculatum* is a long-lived, shade intolerant shrub that grows to 3.5 m. Stands over 60 years old produce little new growth as dead stem biomass accumulates.

Wildlife diversity in chaparral is generally quite low. Animals that utilize this habitat include a variety of birds, reptiles, rodents and mammals. Habitat value is increased with factors such as: seed production, variety of nesting habitat. Native Americans recognized the value of this habitat was increased by setting periodic fires, which induced stump sprouting and young vegetation growth that favored browsing by large mammals.

RIPARIAN ZONE WOODLAND

Riparian Zone Woodland is found along Schoolhouse Creek and the unnamed tributary of Dry Creek on the east side of the property. Riparian vegetation is associated with streams and is a function or result of soils, location and hydrology. Riparian vegetation is primarily a result of the availability of water for growth and local herbivory. The width of riparian vegetation varies. Riparian vegetation is characterized by tree layer, shrub/vine layer and groundcover. The scale and scope of this habitat is limited in the county depending on location and there are great differences associated with location, soils, biotic factors and rain shadow. In the area the riparian tree cover is characterized by the presence of broadleaved, deciduous trees such as *Salix*, *Alnus*, *Quercus* and *Umbellularia*, which are found along the banks and floodplains of waterways. Common shrubs include *Toxicodendron diversilobum*, *Baccharis pilularis*, *Rubus armeniacus* and *Vitis californica*. The understory consists of torrent sedge, mule fat, and California polypody. Sawyer (2009) does not recognize Riparian Woodland as a separate Alliance but includes it as a component of woodland alliances. Sonoma County (Ordinance No. 60898) defines Riparian Vegetation: “Plant communities contiguous to and affected by surface and subsurface hydrologic features of water bodies (rivers, streams, lakes, or wetlands) that have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian vegetation is usually transitional between wetland and upland.” This is recognized as a Biotic Habitat Zone (BH) as part of the general plan. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

Wildlife: The riparian woodland vegetation cover provides habitat as well as food resources for local wildlife. The shade and water that is available in these areas make them popular with wildlife. Common wildlife associated with this habitat include amphibians such as the Pacific tree frog; birds such as downy woodpecker, yellow warbler, and yellow-breasted chat. The mammals are those of the oak woodlands and grasslands. As a habitat type it also functions as a corridor for access to the various communities along its route and upslope. The quality of riparian habitat is enhanced where there are multilayered tree structures and complex vegetation layering.

Significance and Function: Riparian Zones Woodlands are significant biologically for the diversity that they provide, the influence on the hydrologic cycle and aquatic ecosystems, for environmental stability derived, and their role as biofilters and soil conservation. Riparian Vegetation is by all standards considered sensitive. Riparian Vegetation functions to control water temperature, regulate nutrient supply (biofilters), bank stabilization, rate of runoff, wildlife habitat (shelter and food), release of allochthonous material, release of woody debris which functions as habitat and slow nutrient release, and protection for aquatic organisms. Riparian vegetation is also a moderator of water temperature has a cascade effect in that it relates to oxygen availability. The beneficial uses of areas in and along streams, included: provides food, water, breeding, egg deposition and nesting areas for fish, amphibians, reptiles, birds, insects, and mammals; providing protective cover, shade and woody debris to stream channels as habitat for coho salmon, steelhead, freshwater shrimp, and other protected and common aquatic-dependent species; providing movement opportunities, protective cover, and breeding, roosting, and resting habitat for terrestrial wildlife, filtering sediment and pollutants in runoff into streams; providing erosion protection for stream banks; and groundwater recharge.

GRASSLAND

Grasslands Semi-natural Grassland with Herbaceous Layer are limited on the property. They are found as isolated patches along roads, the edge of vineyard and in forest openings. Grasslands generally occur on deeper soils or in ruderal areas. Most of the grasslands are dominated by non-native Mediterranean annual grasses including wild oats (*Avena* spp.), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), hare barley (*Hordeum murinum*), dogtail grass (*Cynosurus echinatus*), and rattail fescue (*Festuca myuros*). Scattered individuals of native grasses occur in these areas including California fescue, creeping wildrye (*Leymus triticoides*), purple needlegrass (*Stipa pulchra*), one-sided Bluegrass (*Poa secunda*), and small fescue (*Festuca microstachys*). These do not occur in enough density to constitute native grassland. Native forbs associated with grasslands on the property include lupines (*Lupinus* spp.), California poppy (*Eschscholzia californica*), Blue-eyed grass (*Sisyrinchium bellum*), popcorn flower (*Plagiobothrys* spp.) and Blue dicks. Non-native forbs include hairy cats-ear (*Hypochaeris radicata*), cut-leaf filaree (*Erodium cicutarium*), bur-clover (*Medicago polymorpha*), English plantain (*Plantago lanceolata*), and rose clover (*Trifolium hirtum*). The large patches of grassland on the property correspond to wild oats grasslands (*Avena (barbata, and fatua)* Semi-Natural Herbaceous Stands) as described by Sawyer et al. (2009).

Semi-natural Grassland with Herbaceous Layer supports a flora that is a result of past agricultural uses and the introduction of non-native plants. These areas support a typical grass and herbaceous flora. The ruderal habitat of the property consists of native and naturalized exotic species that have been introduced and selected for over time. The dominant grasses are in the following genera: *Avena*, *Bromus*, *Elymus*, *Stipa*, and *Taeniantherum*. For a complete list of species observed in this plant habitat see Appendix A.

Semi-Natural Herbaceous Stands Annual Dogtail Grasslands: *Cynosurus echinatus* is dominant or co-dominant with other non-natives in the herbaceous layer. Emergent trees and

shrubs may be present. Herbs <50cm. cover is intermittent to continuous. Membership rules: *Cynosurus echinatus* >50% relative cover in the herbaceous layer. Annual Dogtail Grass is a non-native annual grass from Europe. Stands are present on exposed sites where annual precipitation or runoff is relatively low. *C. echinatus* is common in the understory of low-elevation hardwood and conifer woodlands in the Coast Ranges. Pure and mixed stands are common in the region. Native plants found in association include: *Bromus carinatus*, *Danthonia californica*, *Elymus glaucus*, *Escholzia californica*, *Hemizonia congesta*, *Lotus micanthus*, *Lupinus bicolor* and *Madia* ssp. Non-native plants include: *Aira caryophyllea*, *Avena* ssp., *Bromus hordeaceus*, *B. tectorum*, *Erodium* ssp., *Poa pratensis*, *Rumex acetosella*, *Festuca caput-medusae*, and *Taraxacum officinale*.

Wildlife Common wildlife in grasslands includes a variety of reptiles, such as western fence lizard, common garter snake, common gopher snake, and western rattlesnake. Common mammals include; black-tailed jackrabbit, California ground squirrel, pocket gopher, California vole, and coyote. Bats also use annual grasslands for feeding.

Birds that nest in annual grassland include; Western kingbird, Loggerhead shrike, and Western bluebird. Annual grassland also provides important foraging habitat for raptors including eagles, Northern harrier, American kestrel, White-tailed kite, Red-tailed hawk, Red-shouldered hawk and Owls.



Figure 1: View of typical of habitat within the Oak Woodland Alliance present on the property.



Figure 2. Oak woodland in the foreground and conifer woodland in the background.



Figure 3. Chaparral with conifer woodland in the background.



Figure 4. Conifer Oak Woodland.



Figure 5. Vineyard with Oak and Conifer woodlands in the background.

The flora and fauna observed during our study are presented in Appendix A.

C.2 Special-Status Species

Special-status species were considered from the following sources:

- The California Native Plant Society electronic inventory for the Quadrangle and Surrounding Quadrangles (Appendix B);
- U.S. Fish and Wildlife Service Listed Species for the Quadrangle; and
- The California Department of Fish and Wildlife California Natural Diversity Data Base for the Quadrangle of the property and adjacent Quadrangles and (map Plate II which shows the location of special-status species within five miles of the property);

ANIMALS

Plate II illustrates special-status animal species recorded in the CNDDDB known to be present within a five-mile radius of the property. The property also has potential for the presence of species listed by CDFW associated with the habitat present and or known from the surrounding Quadrangles or species listed by USFWS for the Quadrangle. The following special-status animals in the list below are known to be near the property or associated with the habitat on the property (see Appendix B for the status of each organism):

Burrowing Owl
California Freshwater Shrimp
California Coastal Steelhead
California Coastal Chinook Salmon
California Red-legged Frog
Coho Salmon
Foothill Yellow-legged Frog
Hoary Bat
Pallid Bat
Northern Spotted Owl
Sonoma Tree Vole
Townsend's Big-eared Bat
Western Red Bat
Western Pond Turtle
White-tailed Kite

PLANTS

Plate II illustrates special-status plant species recorded in the CNDDDB known to be present within a five-mile radius of the property. The property also has potential for the presence of species listed by CDFW associated with the habitat present and or known from the surrounding Quadrangles or species listed by USFWS for the Quadrangle. The following special-status plants in the list below are known to be near the property or associated with the habitat on the property (see Appendix B for the status of each organism):

Baker's Navarretia	Mt. St Helena Morning-glory
Brandegee's Eriastrum	Napa False Indigo
Cobb Mountain Lupine	Narrow-anthered Brodiaea
Colusa Layia	Pappose Tarplant
Dorr's Cabin Jewelflower	Pennell's Bird's-beak
Dwarf Downingia	Rioncon Ridge Ceanothus
Dwarf Soaproot	Rincon Ridge Manzanita
Fragrant Fritillary	Santa Cruz Clover
Franciscan Onion	Sebastopol Meadowfoam
Freed's Jewelflower	Serpentine Cryptantha
Geysers Panicum	Serpentine Daisy
Glandular Western Flax	Socrates Mine Jewelflower
Green's Narrow-leaved Daisy	Sonoma Canescent Manzanita
Hoffman's Bristly Jewelflower	Sonoma Sunshine
Holly-leaved Ceanothus,	The Cedars Fairy-lantern
Jepson's Leptosiphon	The Cedars Manzanita
Konocti Manzanita	Thin-lobed Horkelia
Marsh Microseris	White Seaside Tarplant
Long Beard Lichen	White-flowered Rein Orchid
Morrison's Jewelflower	

The following summarizes our findings related to special-status species:

- No special-status animal species were observed, seasonal studies may reveal additional species;
- There are no records of special-status animal species in the Department of Fish and Wildlife Natural Diversity database for the property;
- No special-status plant species were observed on or associated with the property, a full spring floristic survey could reveal special-status plant species; and
- There are no records of special-status plant species in the Department of Fish and Wildlife Natural Diversity Data Base for the property.

C.3 Open Space Qualities and Wildlife Resources

The primary open space considerations include the location of the property, the unfenced perimeter, diversity of vegetation types, watershed, viewshed and the position between the upland biological resources of the Coast Range Mountains and the adjacent Lake Sonoma.

Wildlife Corridors are natural areas interspersed with developed areas. They are important for animal movement, increasing genetic variation in plant and animal populations, reduction of population fluctuations, and retention of predators of agricultural pests and for movement of wildlife and plant populations. Wildlife corridors have been demonstrated to not only increase the range of vertebrates including avifauna between patches of habitat but also facilitate two key plant-animal interactions: pollination and seed dispersal. Corridors also provide ecosystem services such as preservation of watershed connectivity. Corridor users can be grouped into two types: passage species and corridor dwellers. The data from various studies indicate that corridors should be at least 100 feet wide to provide adequate movement for passage species and corridor dwellers in the landscape. Approximately 70% of the property is open-space undisturbed wildlife habitat.

Seasonal drainages with riparian vegetation on the property are wildlife corridors and habitats that are sensitive and will potentially be enhanced over time with the recognition of the parcels as Open Space Wildlife Habitat Areas.

The property offers potential for support, migration and dispersal of local wildlife species. The remoteness of adjoining parcels from human activities is critical for species that require large territories such as mountain lion and bear.

The habitat types and or plant communities with their interfacing “edges” support a wide array of fungi, lichens, mosses, liverworts, ferns, conifers and flowering plants and wildlife.

The Oak Woodlands provide foraging and nesting needs of local wildlife. The recognition and preservation of the non-farmed areas of the parcels as Open Space Wildlife Habitat Areas will offer replacement generations for the mature trees on the property. Native bunch grasses are surviving on the property, which is significant in light of the loss of these throughout California.

D. DISCUSSION AND CONCLUSIONS

California and local biotic resources are being lost as our population continues to expand. The loss or conversion of grasslands and woodlands has been occurring in the County and State at an accelerated rate. The proposed amendment will preserve an area that is near the developed landscape of Dry Creek Valley and Lake Sonoma yet associated with vast open space elements of the Coast Range Mountains. The recognition as an Open Space Wildlife Habitat Area will allow significant value and service as a wildlife and botanical corridor connecting local biological resources as well as functioning as watershed and viewshed. The property is a rich mosaic of habitat types including; Chaparral, Oak Woodland, Conifer Woodland, which have all been severely impacted and lost in the region. The size and connectivity of the site to adjacent open space offers the highest potential for the sustainable support of a rich diversity of wildlife.

Our fieldwork found:

- Approximately 85% of the property is open-space undisturbed natural habitat;
- The parcels perimeters are unfenced. Only the vineyard blocks are deer fenced leaving open space corridors through and around the agricultural elements.
- The parcels contain significant wildlife habitat allowing movement through and within the property;
- The parcels are within the watershed of the Russian River and provide connectivity from upland Coast Range Mountain habitat and its wildlife and vegetation resources to the aquatic resources of the Lake Sonoma;
- The plant communities/associations or habitat types present on the undeveloped land of the parcels would be termed: Forest or Woodland Alliances (Foothill Oak Woodland and Conifer Woodlands), Shrubland/Chaparral Alliance (Chamise Chaparral), Grassland (Semi-natural Grassland with Herbaceous Layer and Riparian Woodland).

Ecological Functions:

- The proposed Open Space Preserve Wildlife Habitat Area (Corridors) are within the watershed of Dry Creek and the Russian River. As a watershed it functions to: maintain surface water quality through filtration and decomposition of pollutants, recharge of groundwater resources, maintain water quality through silt retention and by filtering out sediment and nutrients from run-off, the prevention of flooding and minimization of channel erosion by slowing surface runoff.
- The diversity of habitat types on the parcels and extensive edge effects offers a high quality environment for the support of and survival of local wildlife and plant species.
- The connectivity of the property to adjoining habitat provides access for biological resources allowing genetic dispersal of wildlife as well as botanical gene flow.

Ecosystem Services of Proposed Open Space Wildlife Habitat Area:

In summary the potential “Ecosystem Services” of the proposed Open Space Wildlife Habitat Area include:

- Corridor for biological access to diverse essential ecosystem resources allowing seasonal movement and gene flow;
- Breeding and foraging habitat for local and migratory wildlife and avifauna;
- Preservation of diverse plant alliances and natural biota;
- Preservation of biological diversity;
- Protection of and preservation of portions of the watershed;
- Carbon sequestration;
- Improve air quality;
- Alter microclimate;
- Natural areas for nutrient recycling (decomposition) by bacteria and fungi that will support terrestrial and aquatic resources on site and off site;
- Soil development and retention;
- Ground water recharge of aquifers; and
- Retention of viewshed.

Conclusions

Establishing a Williamson Act Contract on this property offers a high level of sustainable support of regional biotic resources. The acceptance will preserve essential wildlife habitat and corridor access that will sustainably support local and regional botanical and wildlife resources.

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E.2 Qualifications of Field Investigators

Chris K. Kjeldsen, Ph.D., Botany, Oregon State University, Corvallis, Oregon. He has over forty years of professional experience in the study of California flora. He was a member of the Sonoma County Planning Commission and Board of Zoning (1972 to 1976). He has over thirty years of experience in managing and conducting environmental projects involving impact assessment and preparation of compliance documents, Biological Assessments, CDFW Habitat Assessments, CDFW Mitigation projects, ACOE Mitigation projects and State Parks and Recreation Biological Resource Studies. Experience includes conducting special-status species surveys, jurisdictional wetland delineations, general biological surveys, 404 and 1600 permitting, and consulting on various projects. He taught Plant Taxonomy at Oregon State University and numerous botanical science and aquatic botany courses at Sonoma State University including sections on wetlands and wetland delineation techniques. He has supervised numerous graduate theses, NSF, DOE and local agency grants and served as a university administrator. He has a valid CDFW collecting permit.

Daniel T. Kjeldsen, B. S., Natural Resource Management, California Polytechnic State University, San Luis Obispo, California. He spent 1994 to 1996 in the Peace Corps managing natural resources in Honduras, Central America. His work for the Peace Corps in Central America focused on watershed inventory, mapping and the development and implementation of a protection plan. He has over ten years of experience in conducting Biological Assessments, CDFW Habitat Assessments, ACOE wetland delineations, wetland rehabilitation, and development of and implementation of mitigation projects and mitigation monitoring. He has received 3.2 continuing education units MCLE 27 hours in Determining Federal Wetlands Jurisdiction from the University of California Berkeley Extension. Attended Wildlife Society Workshop Falconiformes of Northern California Natural History and Management California Tiger Salamander 2003, Natural History and Management of Bats Symposium 2005, Western Pond Turtle Workshop 2007, and Western Section Bat Workshop 2011. Laguna Foundation & The Wildlife Project Rare Pond Species Survey Techniques 2009. A full resume is available upon request.

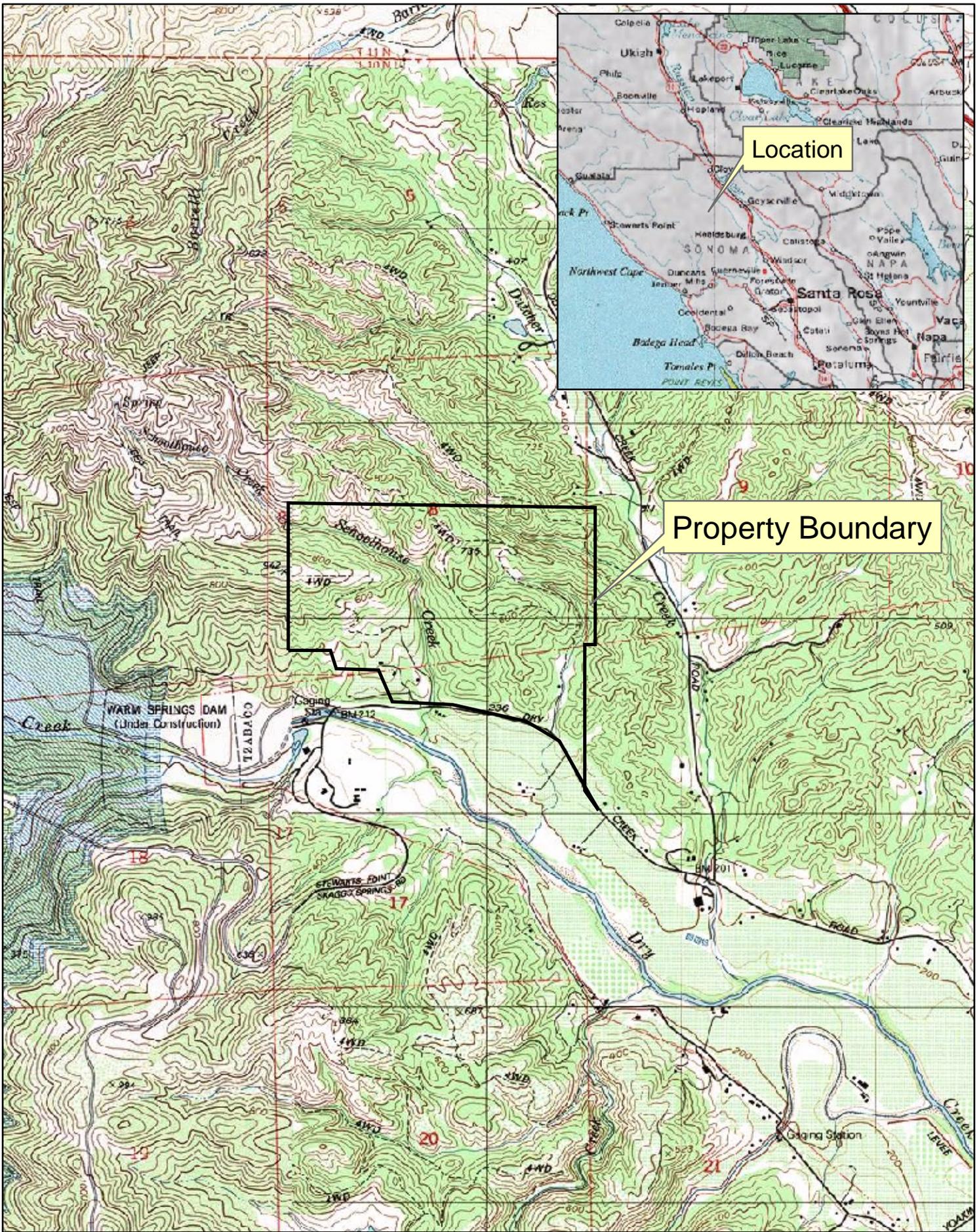
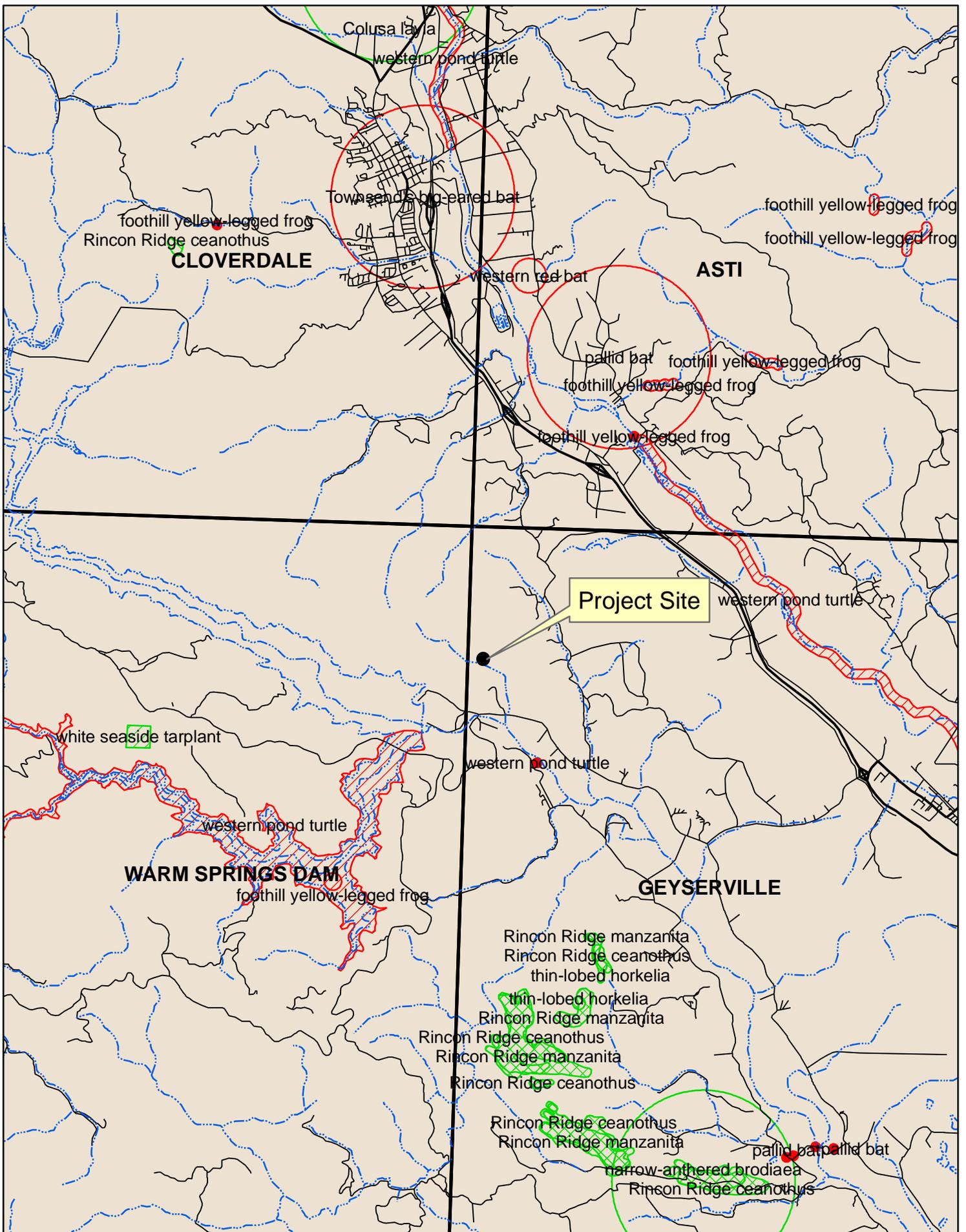


Plate I. Site / Location Map

(Geyserville Quadrangle)





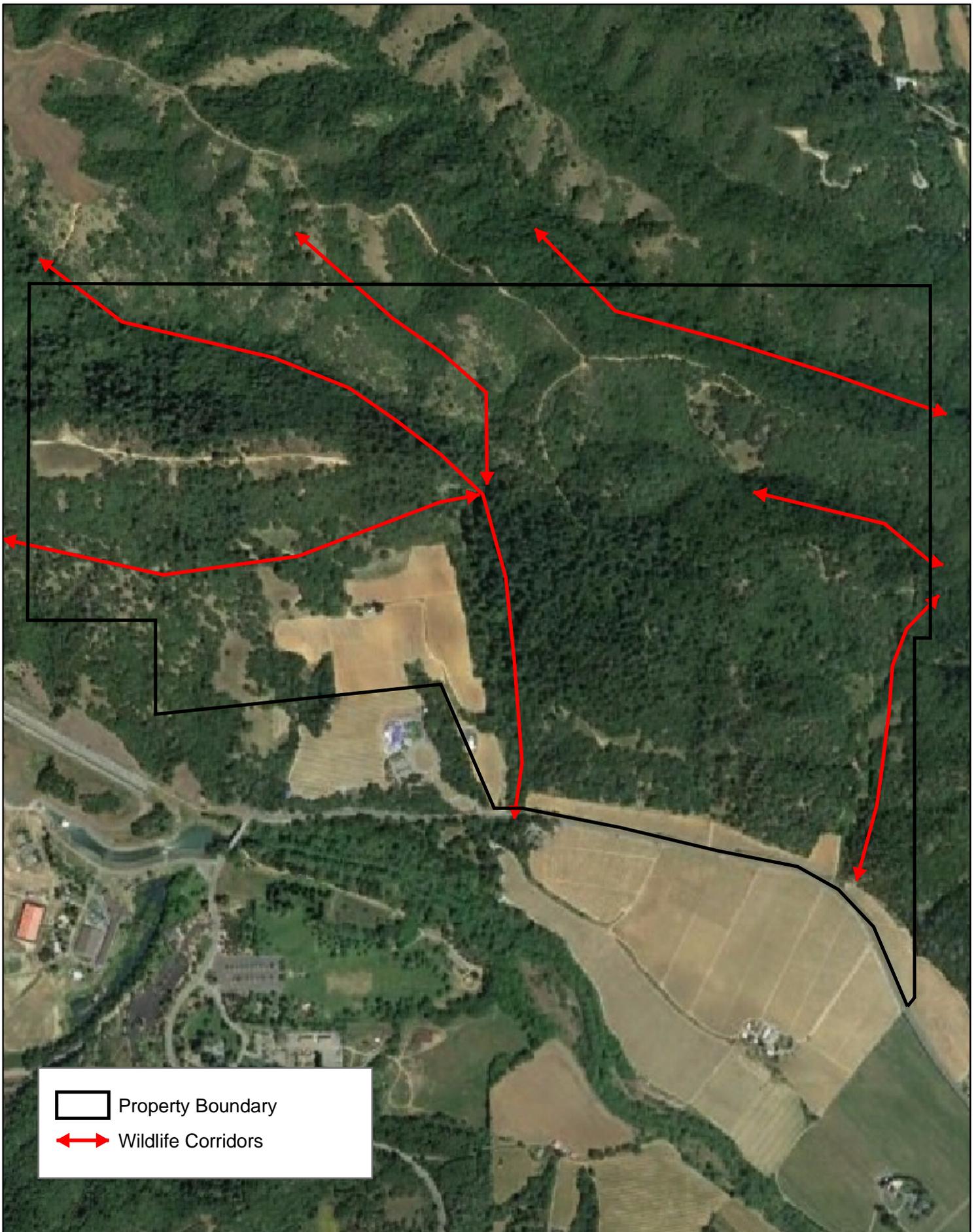
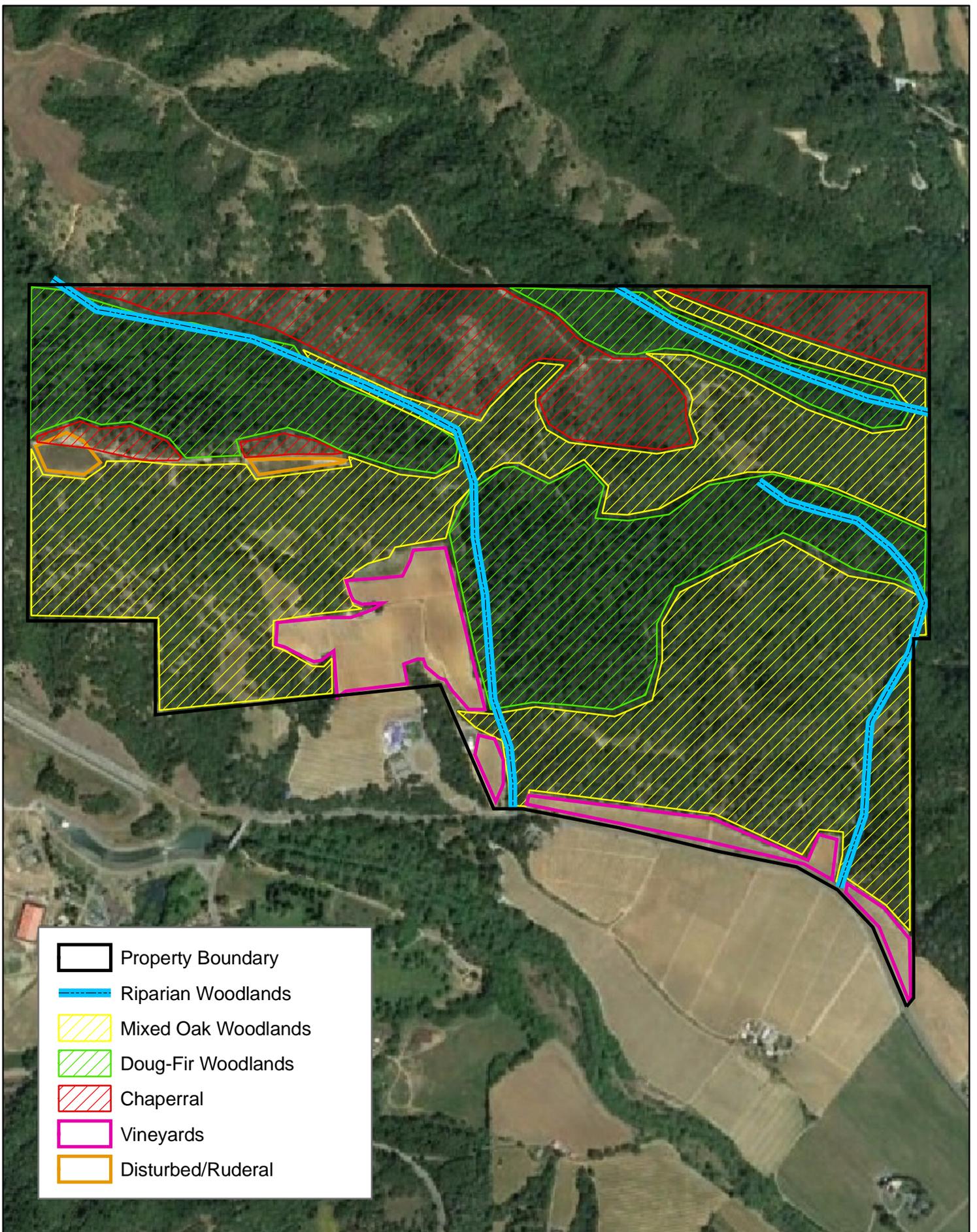


Plate III. Aerial Photo / Wildlife Corridors



- Property Boundary
- Riparian Woodlands
- Mixed Oak Woodlands
- Doug-Fir Woodlands
- Chaparral
- Vineyards
- Disturbed/Ruderal

Plate IV. General Wildlife Habitat Types

APPENDIX A.

Flora and Fauna Observed

Plants Observed on or in the immediate vicinity of the Property

The nomenclature for the list of plants found on the project study areas and the immediate vicinity follows: Brodo, Irwin M., Sylvia Duran Sharnoff and Stephen Sharnoff, 2001, for the lichens; G. M. Smith -1956, for the algae; Arora -1985, for the fungi; S. Norris and Shevrock - 2004, for the mosses; and Baldwin, B.G., D.H. Goldman, D.J.Keil, R.Patterson, T.J.Rosati, and D.H.Wilkens, editors, 2012 - for the vascular plants.

Habitat Type indicates the general associated occurrence of the taxon on the project site or in nature. **Abundance** refers to the relative number of individuals on the project site or in the region.

MAJOR PLANT GROUP

Family

Genus

Habitat Type

Abundance

Common Name

NCN = No Common Name, * = Non-native, @= Voucher Specimen

FUNGI

Basidiomycota- Club Fungi

AMANITACEAE

Amanita calyptroderma (=A.calyptrata) Mixed Woodland, Mycorrhiza Common

Coccora

Amanita vernicoccora Woodlands, Mycorrhizal on Oaks Occasional

Spring Coccora

COPRINACEAE

Psathyrella longipes Woodlands on Litter Occasional

NCN

POLYPORACEAE

Daedalea berkeleyi Woodlands on Dead Wood Common

Maze Conifer Polypore

Ganoderma applanatum On Conifers or Hardwoods Common

Artist's Conk

Laetiporus conifericola (L. sulphureus) On Living or Dead Conifers Common

Sulfur Shelf; Chicken of the Woods

Phaeolus schweinitzii Woodlands Parasite of D Fir Common

Dyer's Polypore

Phellinus gilvus On Hardwoods Common

Hardwood Conk

Schizophyllum commune Woodlands on Dead Wood Common

Split-gill

MAJOR PLANT GROUP**Family**

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

<i>Trametes versicolor</i>	Woodlands on Dead Hardwood	Common
Turkey Tail		
<i>Trametes hirsuta</i>	Woodlands on Dead Wood	Common
Hairy Turkey Tail		
RUSSULACEAE		
<i>Lactarius palleescens</i>	Coastal Mixed Woodlands	Common
Milk Cap		
<i>Russula cremoricolor</i> (=silvicola= <i>R. emetica</i>)	Woodlands	Common
Emetic Russula		
<i>Russula rosacea</i>	Woodlands	Occasional
Rosy Russula		
TRICHOLOMATACEAE		
<i>Armillariella mella</i>	Woodlands	Occasional
Honey Mushroom		
<i>Lyophyllum decastes</i>	Woodlands or Ruderal	Common
Fried Chicken Mushroom		

FUNGI**Ascomycota - Sac Fungi**

HELVELLACEAE

<i>Helvella lacunosa</i>	Woodlands	Occasional
Fluted Black Elfin Saddle		

MOSSES

MINACEAE

<i>Alsia californica</i> (W.J.Hooker&Arnott) Sullivant	Coastal Forests On Trees	Common
NCN		
<i>Dendroalsia abietina</i> (Hook.) Brit.	Woodlands	Common
NCN		
<i>Homalothecium nuttallii</i> (Wilson) Jaeger	Epiphytic on Trees Near Coast-Inland	Common
NCN		
<i>Orthotrichum lyellii</i> Hook & Tayl.	Woodlands, Upper Canopy	Common
NCN		
<i>Scleropodium touretii</i> (Brid.) L Koch.	Woodlands	Common
NCN		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
	Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

LICHENS

FOLIOSE

<i>Cetraria californica</i> Tuck. non G. Merr	On Pine Branches Coastal	Occasional
NCN (= <i>Karenfeltia californica</i>)		
<i>Cetraria orbata</i> (Nyl.) Fink	On Limbs Usually Conifers	Occasional
NCN (= <i>Tuckermannopsis orbata</i>)		
<i>Cetraria platyphylla</i> Tuck.	On Tree Limbs Conifer Forests	Occasional
NCN		
<i>Flavoparmelia caperata</i> (L.) Hale	On Oaks	Common
NCN		
<i>Flavopunctilia flaventor</i> (Stirt.) Hale	On Oaks	Common
NCN		
<i>Hypogymnia imshaugii</i> Krog	On Conifers, Oaks	Common
NCN		
<i>Hypogymnia tubulosa</i> (Schaer.) Hav.	On Oaks, Conifers	Common
NCN		
<i>Parmelia sulcata</i> Taylor	On Oaks	Common
NCN		
<i>Physcia tenella</i> (Scop.) DC.	On Oaks	Common
NCN		
<i>Physconia americana</i> Essl.	On Oak Limbs	Common
Fancy Frost Lichen		
<i>Pseudocyphellaria anomola</i> Brodo & Ahti	On Oaks	Common
NCN		
<i>Pseudocyphellaria anthraspis</i> (Ach.) H. Magn.	On Oaks	Common
NCN		
<i>Xanthoria polycarpa</i> (Hoffm.) Rieber	On Oaks Young Twigs	Common
Pin-cushion Sunburst Lichen		

GELATINOUS

<i>Leptochidium albociliatum</i> (Desm.) M. Choisy	On Oaks	Common
NCN		
<i>Leptogium palmatum</i> (Huds.) Mont.	On Soil or Rocks With Moss	Common
Jelly Horn Lichen (= <i>Leptogium corniculatum</i>)		

FRUTICOSE

<i>Alectoria vancouverensis</i> (Gyeln.) Gyeln. ex Brodo & D. Hawksw.	On Tree Limbs	Common
NCN		
<i>Cladonia chlorophaea</i> (Flörke ex Sommerf.) Spreng.	On Soil	Occasional
Mealy Powderhorn		

MAJOR PLANT GROUP

Family

Genus Common Name	Habitat Type	Abundance
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NCN = No Common Name, * = Non-native, @= Voucher Specimen

<i>Evernia prunastri</i> (L.) Ach. NCN	On Oaks	Common
<i>Ramalina farinacea</i> (L.) Ach. NCN	On Oaks	Common
@ <i>Ramalina menziesii</i> Taylor non Tuck. Lace Lichen, Old Man's Beard	On Oaks	Common
@ <i>Usnea cavernosa</i> Tuck. NCN	On Oaks	Common
<i>Usnea intermedia</i> = <i>U. arizonica</i> NCN	On Oaks	Common
@ <i>Usnea subfloridana</i> Stirt. NCN	On Oaks	Common

CRUSTOSE

<i>Ochrolechia orgonensis</i> H. Magn. NCN	On Bark	Common
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VASCULAR PLANTS FERNS

DENNSTAEDTIACEAE

<i>Pteridium aquilinum</i> (L.) var. <i>pubescens</i> Underw. Bracken Fern	Grasslands or Woodlands	Common
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DRYOPTERIDACEAE

<i>Polystichum munitum</i> (Kaulf.) C Presl Sword Fern	Redwood or Riparian	Common
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PTERIDACEAE

<i>Adiantum jordanii</i> C. Mueller Hal. Calironia Maidenhair Fern	Canyons and Shadey Slopes	Common
<i>Pentagramma triangularis</i> (Kaulf.) G. Yatsk. subsp. <i>triangularis</i> Goldback Fern	Woodlands	Common

VASCULAR PLANTS DIVISION CONIFEROPHYTA--GYMNOSPERMS

PINACEAE

<i>Pinus sabiniana</i> Douglas Gray or Foothill Pine	Dry Ridges	Occasional
<i>Pseudotsuga menziesii</i> (Vassey) Mayr var. <i>menziesii</i> Douglas-fir	Woodlands	Common

TAXODIACEAE

<i>Sequoia sempervirens</i> (D. Don) Endl. Redwood	Coastal Forests	Common
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MAJOR PLANT GROUP

Family

Genus	Habitat Type	Abundance
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Common Name

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VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE- TREES

MAGNOLIIDS

LAURACEAE

Umbellularia californica (Hook.&Arn.) Nutt. Conifer&Oak Woodlands Occasional
California Laurel, Sweet Bay, Pepperwood, California Bay

EUDICOTS

ERICACEAE Heath Family

Arbutus menziesii Pursh Woodlands Common
Madrone

FAGACEAE Oak Family

Quercus agrifolia Nee Woodlands Common
Live Oak

Quercus chrysolepis Liebm. Woodlands Common
Canyon Live Oak, Maul

Quercus kelloggii Newb. Woodlands Common
Black Oak

Quercus kelloggii Newb. Hybrid *Q. kelloggii* x *Q. agrifolia* Occasional
Black Oak

Quercus lobata Nee. Valley Grasslands Common
Valley Oak

Quercus parvula E. Green var. *shrevei* Woodlands Common
Shreve Oak

OLEACEAE Olive Family

**Olea europaea* L. Domestic Ruderal Occasional
Olive

SAPINDACEAE Soapberry Family

Aesculus californica (Spach) Nutt. Woodlands, Riparian Common
California Buckeye

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE-SHRUBS AND WOODY VINES

EUDICOTS

ANACARDIACEAE Sumac Family

Toxicodendron diversilobum (Torry&Gray) E.Green Woodlands Common
Poison Oak

ARALIACEAE Ginseng Family

**Hedra helix* L. Ruderal Occasional
English Ivy

<u>MAJOR PLANT GROUP</u>		
Family		
Genus	Habitat Type	Abundance

Common Name

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<i>Baccharis pilularis</i> deCandolle	Woodlands, Grasslands	Common
Coyote Brush		
BORAGINACEAE Borage or Waterleaf Family		
<i>Eriodictyon californicum</i> (Hook.&Arn.) Torr.	Chaparral	Common
Yerba Santa		
CACTACEAE Cactus Family		
* <i>Opuntia ficus-indica</i> (L.) Miller	Escape	Common
Mission Prickly-Pear, Indian-Fig Burbank's Spineless Prickly Pear		
CAPRIFOLIACEAE Honeysuckle Family		
<i>Symphoricarpos mollis</i> Nuttall	Woodlands	Common
Creeping Snowberry, Trip Vine		
ERICACEAE Heath Family		
<i>Arctostaphylos glandulosa</i> ssp. <i>glandulosa</i>	Chaparral-Near Coast	Common
Eastwood Manzanita-Glaucous Leaf		
<i>Arctostaphylos manzanita</i> Parry ssp. <i>manzanita</i>	Woodlands	Common
Common Manzanita		
FABACEAE (Leguminosae) Legume Family		
<i>Acmispon glabor</i> (Vogel) Bouillet	Grasslands, Chaparral	Common
Deerweed, California Broom (= <i>Lotus scoparius</i>)		
* <i>Genista monspessulana</i> (L.) Johnson	Woodlands	Common
Broom, French Broom		
<i>Pickeringia montana</i> Nutt.	Chaparral	Common
Chaparral Pea		
FAGACEAE Oak Family		
<i>Quercus berberidifolia</i> Liebm.	Chaparral	Common
California Scrub Oak		
PHRYMACEAE Lopseed Family		
<i>Mimulus aurantiacus</i> Curtis	Woodlands	Occasional
Bush Monkey Flower		
RHAMNACEAE Buckthorn Family		
<i>Ceanothus foliosus</i> Parry var. <i>foliosus</i>	Chaparral	Common
Wavyleaf Ceanothus		
ROSACEAE Rose Family		
<i>Adenostoma fasciculatum</i> Hooker&Arn.	Shrub/Scrub	Common
Chamise		
<i>Heteromeles arbutifolia</i> (Lind.) M. Rome.	Shrub/Scrub	Common
Christmas Berry, Toyon		
<i>Rosa gymnocarpa</i> Nuttall.	Woodlands	Occasional
Wood Rose		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
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Common Name

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* <i>Rubus armeniacus</i> Focke Himalayan Blackberry	Ruderal	Common
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VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE-HERBS

EUDICOTS

APIACEAE (Umbelliferae) Carrot Family

<i>Lomatium uticulatum</i> (Torr.&A.Grey)J.M.Coult.&Rose Bladder Parsnip, Foothill Lomatium, Spring Gold	Grassland	Common
<i>Sanicula crassicaulis</i> DC. Pacific Sanicle	Woodlands	Common
* <i>Torilis arvensis</i> (Huds.) Link Hedge-parsley	Grasslands Woodlands	Common

ASTERACEAE (Compositae) Sunflower Family

* <i>Calendula arvensis</i> L. Field Marigold	Ruderal	Occasional
* <i>Carduus pycnocephalus</i> L.subsp. <i>pycnocephalus</i> Italian Thistle	Woodlands	Common
* <i>Cirsium vulgare</i> (Savi) Ten. Bull Thistle	Grasslands, Ruderal	Common
* <i>Helminthotheca echioides</i> (L.) Holub Ox-tongue (= <i>Picris echioides</i>)	Ruderal	Common
<i>Hieracium albiflorum</i> Hook. White-flowered Hawkweed	Woodlands, Grasslands	Occasional
* <i>Hypochaeris glabra</i> L. Cat's Ear	Ruderal	Common
* <i>Hypochaeris radicata</i> L. Harry Cat's Ear	Ruderal	Common
* <i>Lactuca serriola</i> L. Prickly Lettuce	Ruderal	Occasional
* <i>Logifa gallica</i> (L.) Cros&Germ Herba Impa, Daggerleaf Cottonrose (= <i>Filago gallica</i>)	Ruderal Grasslands	Common
* <i>Pseudognaphalium luteoalbum</i> (L.) Hill.&Burt White Cudweed (= <i>Gnaphalium luteo-album</i>)	Ruderal	Common
* <i>Senecio vulgaris</i> L. NCN	Ruderal	Occasional
* <i>Taraxacum officinale</i> F.H.Wigg Dandelion	Ruderal	Common

<u>MAJOR PLANT GROUP</u>

Family

Genus	Habitat Type	Abundance
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Common Name

NCN = No Common Name, * = Non-native, @= Voucher Specimen

<i>Wyethia glabra</i> A.Gray	Edge of Woodlands	Common
Coast Mules Ears		
BORAGINACEAE Borage or Waterleaf Family		
<i>Cyanoglossum grande</i> Lehm.	Woodlands	Common
Hound's Tongue		
BRASSICACEAE Mustard Family		
* <i>Brassica nigra</i> (L.) Koch	Ruderal	Common
Black Mustard		
* <i>Brassica rapa</i> L.	Grasslands, Ruderal	Common
Field Mustard		
<i>Cardamine californica</i> (Nutt.)	Green Woodlands	Common
Milk Maids, Tooth Wort (= <i>Dentaria</i>)		
<i>Cardamine oligosperma</i> Nutt.	Ruderal	Common
Bitter-cress		
* <i>Lepidium nitidum</i> Nutt.	Ruderal	Common
Pepper-grass		
* <i>Raphanus sativus</i> L.	Ruderal	Common
Wild Radish		
CARYOPHYLLACEAE Pink Family		
* <i>Cerastium arvense</i> L. subsp. <i>strictum</i>	Ruderal	Common
Field Mouse-ear Chickweed Spury, Stickey Sand-Spury		
* <i>Stellaria media</i> (L.) Vill.	Ruderal	Common
Chickweed		
EUPHORBIACEAE Spurge Family		
<i>Croton setigerus</i> Hook.	Ruderal	Common
Turkey Mullein, Dove Weed (= <i>Eremocarpus setigerus</i>)		
FABACEAE (Leguminosae) Legume Family		
<i>Lathyrus vestitus</i> Nutt. var. <i>vestitus</i>	Woodlands	Occasional
Hillside Pea		
* <i>Medicago arabica</i> (L.) Huds	Ruderal	Common
Spotted Bur Clover		
* <i>Vicia sativa</i> L. subsp. <i>nigra</i>	Grasslands, Ruderal	Common
Narrow Leaved-vetch		
GERANIACEAE Geranium Family		
* <i>Erodium botrys</i> (Cav.) Bertol.	Grasslands	Common
Broadleaf Filaree, Long-beaked Filaree		
* <i>Geranium molle</i> L.	Grasslands	Common
Dove's Foot Geranium		

<u>MAJOR PLANT GROUP</u>

Family

Genus	Habitat Type	Abundance
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Common Name

NCN = No Common Name, * = Non-native, @= Voucher Specimen

HYPERICACEAE St John's Wort Family

**Hypericum perforatum* L. subsp. *perforatum* Ruderal/Grasslands Occasional
Klamath Weed

LAMIACEAE (Labiatae) Mint Family

Stachys ajugoides Benth. Moist Open Places Occasional
Hedge-nettle

MALVACEAE Mallow Family

**Malva parviflora* L. Ruderal Common
Cheeseweed, Mallow

ONAGRACEAE Evening-primrose Family

Epilobium ciliatum Raf. Subsp. *ciliatum* Ruderal Common
Northern Willow Herb

OROBANCHACEAE Broomrape Family

Pedicularis densiflora Hook. Woodlands, Chaparral Common
Indian Warrior

PLANTAGINACEAE Plantain Family

**Plantago lanceolata* L. Ruderal Common
English Plantain

POLYGONACEAE Buckwheat Family

**Polygonum agyrocoleon* Kunze Ruderal Occasional
Persian Wireweed

**Rumex acetosella* L. Ruderal Common
Sheep Sorrel

**Rumex crispus* L. Ruderal Common
Curly Dock

PRIMULACEAE Primrose Family

Dodecatheon hendersonii A. Gray Woodlands Common
Shooting Star, Mosquito Bills

RANUNCULACEAE Buttercup Family

Ranunculus californicus Benth. Grasslands, Woodlands Common
Buttercup

RUBIACEAE Madder Family

Galium aparine L. Woodlands, Riparian, Ruderal Common
Goose Grass

**Galium parisiense* Grasslands, Woodlands Common
Wall Bedstraw

<u>MAJOR PLANT GROUP</u>

Family

Genus	Habitat Type	Abundance
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Common Name

NCN = No Common Name, * = Non-native, @= Voucher Specimen

CLASS--MONOCOTYLEDONAE-GRASSES

POACEAE Grass Family

* <i>Avena barbata</i> Link. Slender Wild Oat	Grasslands	Common
* <i>Cynosurus echinatus</i> L. Hedgehog, Dogtail	Ruderal	Common
<i>Elymus glaucus</i> Buckley ssp. <i>glaucus</i> Blue Wildrye	Woodlands	Common
* <i>Festuca bromoides</i> L. Six-weeks Fescue (= <i>Vulpia bromoides</i>)	Ruderal, Moist Flats become Dry	Common
<i>Festuca occidentalis</i> Hook. Western Fescue	Open Forests, Woodlands	Occasional
* <i>Phalaris aquatica</i> L. Harding Grass	Grasslands	Common

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--MONOCOTYLEDONAE-SEDGES AND RUSHES

JUNCACEAE

<i>Luzula comosa</i> Mey var. <i>comosa</i> Wood Rush	Grasslands, Woodlands	Common
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VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--MONOCOTYLEDONAE-HERBS

AGAVACEAE Centuray Plant Family

<i>Chlorogalum pomeridianum</i> (DC.) Kunth var. <i>pomeridianum</i> Soap Plant	Woodlands, Grasslands	
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IRIDACEAE Iris Family

<i>Iris douglasiana</i> Herb. Iris	Open Grassland, Meadows	Common
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MELANTHIACEAE False-hellebore Family

@ <i>Toxicoscordion fremontii</i> (Torr) Rydb. Star Lily (= <i>Zigadenus</i>)	Grassy or Wooded Slopes Outcrops	Occasional
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Fauna Species Observed in the Vicinity of the Project Site

The nomenclature for the animals found on the project site and in the immediate vicinity follows: Mc Ginnis –1984, for the fresh water fishes; Stebbins -1985, for the reptiles and amphibians; and Udvardy and Farrand – 1998, for the birds; and Jameson and Peeters -1988 for the mammals.

AMPHIBIA AND REPTILIA

ORDER

Common Name	Genus	Observed
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ANURA

Western Toad	<i>Bufo boreas</i>	Polywogs
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MAMMALS

ORDER

Common Name	Genus	Observed
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ARTIODACTYLA

Feral Pig/Wild Boar	<i>Sus scrofa</i>	Workings
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CARNIVORA

Coyote	<i>Canis latrans</i>	Scat
Gray Fox	<i>Urocyon cinereoargenteus</i>	Scat
Raccoon	<i>Procyon lotor</i>	Tracks

CERVIDAE

Black-tailed Deer	<i>Odocoileus hemionus</i>	Scat Track
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INSECTIVORA

Broad-footed Mole	<i>Scapanus latimanus</i>	Workings
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MARSUPIALIA

Virginia Opossum	<i>Didelphis virginiana</i>	Scat
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RODENTIA

Pocket Gopher	<i>Thomomys bottae</i>	Workings
Dusky-footed Wood Rat	<i>Neotoma fuscipes</i>	Den

APPENDIX B.

**California Native Plant Society Inventory of Special-Status
Plants for the Quadrangle and Surrounding Quadrangles**

U.S. Fish and Wildlife Service Listed Species for the Quadrangle

**California Department of Fish and Wildlife Rare Find 5 Species
list for the Quadrangle and Surrounding Quadrangles for
Habitat found on the project site**



Inventory of Rare and Endangered Plants - 7th edition interface

v7-15feb 2-5-15

Status: search results - Fri, Feb. 13, 2015 17:33 ET c

Your Quad Selection: **Geyserville (518B)** 3812268, Asti (534C) 3812278, The Geysers (534D) 3812277, Warm Springs Dam (519A) 3812361, Cazadero (519D) 3812351, Cloverdale (535D) 3812371, Jimtown (518A) 3812267, Guerneville (518C) 3812258, Healdsburg (518D) 3812257

scientific			
<u>Allium peninsulare</u> var. <u>franciscanum</u>	Franciscan onion	Alliaceae	List 1B.2
<u>Amorpha californica</u> var. <u>napensis</u>	Napa false indigo	Fabaceae	List 1B.2
<u>Arctostaphylos bakeri</u> ssp. <u>bakeri</u>	Baker's manzanita	Ericaceae	List 1B.1
<u>Arctostaphylos bakeri</u> ssp. <u>sublaevis</u>	The Cedars manzanita	Ericaceae	List 1B.2
<u>Arctostaphylos manzanita</u> ssp. <u>elegans</u>	Konocti manzanita	Ericaceae	List 1B.3
<u>Arctostaphylos stanfordiana</u> ssp. <u>decumbens</u>	Rincon Ridge manzanita	Ericaceae	List 1B.1
<u>Blennosperma bakeri</u>	Sonoma sunshine	Asteraceae	List 1B.1
<u>Brodiaea leptandra</u>	narrow-anthered brodiaea	Themidaceae	List 1B.2
<u>Calochortus raichei</u>	The Cedars fairy-lantern	Liliaceae	List 1B.2
<u>Calystegia collina</u> ssp. <u>tridactylosa</u>	three-fingered morning- glory	Convolvulaceae	List 1B.2
<u>Campanula californica</u>	swamp harebell	Campanulaceae	List 1B.2
<u>Cardamine pachystigma</u> var.	dissected-leaved toothwort	Brassicaceae	List 1B.2

<u>dissectifolia</u> 📷			
<u>Carex comosa</u> 📷	bristly sedge	Cyperaceae	List 2B.1
<u>Ceanothus confusus</u> 📷	Rincon Ridge ceanothus	Rhamnaceae	List 1B.1
<u>Ceanothus purpureus</u> 📷	holly-leaved ceanothus	Rhamnaceae	List 1B.2
<u>Centromadia parryi</u> ssp. <u>parryi</u> 📷	pappose tarplant	Asteraceae	List 1B.2
<u>Chlorogalum pomeridianum</u> var. <u>minus</u> 📷	dwarf soaproot	Agavaceae	List 1B.2
<u>Cordylanthus tenuis</u> ssp. <u>capillaris</u> 📷	Pennell's bird's-beak	Orobanchaceae	List 1B.2
<u>Cryptantha dissita</u>	serpentine cryptantha	Boraginaceae	List 1B.2
<u>Downingia pusilla</u> 📷	dwarf downingia	Campanulaceae	List 2B.2
<u>Eriastrum brandegeae</u> 📷	Brandegee's eriastrum	Polemoniaceae	List 1B.1
<u>Erigeron greenei</u>	Greene's narrow-leaved daisy	Asteraceae	List 1B.2
<u>Erigeron serpentinus</u>	serpentine daisy	Asteraceae	List 1B.3
<u>Eriogonum cedrorum</u>	The Cedars buckwheat	Polygonaceae	List 1B.3
<u>Eriogonum nervulosum</u> 📷	Snow Mountain buckwheat	Polygonaceae	List 1B.2
<u>Fritillaria liliacea</u> 📷	fragrant fritillary	Liliaceae	List 1B.2
<u>Hemizonia congesta</u> ssp. <u>congesta</u> 📷	congested-headed hayfield tarplant	Asteraceae	List 1B.2

<u>Hesperolinon adenophyllum</u> 📷	glandular western flax	Linaceae	List 1B.2
<u>Horkelia tenuiloba</u> 📷	thin-lobed horkelia	Rosaceae	List 1B.2
<u>Lasthenia burkei</u> 📷	Burke's goldfields	Asteraceae	List 1B.1
<u>Layia septentrionalis</u> 📷	Colusa layia	Asteraceae	List 1B.2
<u>Leptosiphon jepsonii</u> 📷	Jepson's leptosiphon	Polemoniaceae	List 1B.2
<u>Lessingia arachnoidea</u> 📷	Crystal Springs lessingia	Asteraceae	List 1B.2
<u>Limnanthes vinculans</u> 📷	Sebastopol meadowfoam	Limnanthaceae	List 1B.1
<u>Lupinus sericatus</u> 📷	Cobb Mountain lupine	Fabaceae	List 1B.2
<u>Micropus amphibolus</u> 📷	Mt. Diablo cottonweed	Asteraceae	List 3.2
<u>Microseris paludosa</u> 📷	marsh microseris	Asteraceae	List 1B.2
<u>Navarretia leucocephala</u> ssp. <u>bakeri</u> 📷	Baker's navarretia	Polemoniaceae	List 1B.1
<u>Navarretia leucocephala</u> ssp. <u>pauciflora</u> 📷	few-flowered navarretia	Polemoniaceae	List 1B.1
<u>Navarretia leucocephala</u> ssp. <u>plieantha</u> 📷	many-flowered navarretia	Polemoniaceae	List 1B.2
<u>Panicum acuminatum</u> var. <u>thermale</u>	Geysers panicum	Poaceae	List 1B.2
<u>Piperia candida</u> 📷	white-flowered rein orchid	Orchidaceae	List 1B.2
<u>Sidalcea malviflora</u> ssp.	purple-stemmed	Malvaceae	List

<u>purpurea</u> 📷	checkerbloom		1B.2
<u>Sidalcea oregana</u> ssp. <u>hydrophila</u>	marsh checkerbloom	Malvaceae	List 1B.2
<u>Streptanthus brachiatus</u> ssp. <u>brachiatus</u>	Socrates Mine jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus brachiatus</u> ssp. <u>hoffmanii</u> 📷	Freed's jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus glandulosus</u> ssp. <u>hoffmanii</u>	Hoffman's bristly jewel-flower	Brassicaceae	List 1B.3
<u>Streptanthus morrisonii</u> ssp. <u>elatus</u> 📷	Three Peaks jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus morrisonii</u> ssp. <u>hirtiflorus</u> 📷	Dorr's Cabin jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus morrisonii</u> ssp. <u>kruckebergii</u>	Kruckeberg's jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus morrisonii</u> ssp. <u>morrisonii</u>	Morrison's jewel-flower	Brassicaceae	List 1B.2
<u>Trifolium buckwestiorum</u> 📷	Santa Cruz clover	Fabaceae	List 1B.1

U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the
GEYSERVILLE (518B)
U.S.G.S. 7 1/2 Minute Quad

Report Date: January 30, 2015

Listed Species

Invertebrates

Syncaris pacifica-California freshwater shrimp (E)

Fish

Oncorhynchus kisutch-coho salmon - central CA coast (E) (NMFS)

Critical habitat, coho salmon - central CA coast (X) (NMFS)

Oncorhynchus mykiss-Central California Coastal steelhead (T) (NMFS)

Central Valley steelhead (T) (NMFS)

Critical habitat, Central California coastal steelhead (X) (NMFS)

Oncorhynchus tshawytscha-California coastal chinook salmon (T) (NMFS)

Critical habitat, California coastal chinook salmon (X) (NMFS)

Amphibians

Rana draytonii-California red-legged frog (T)

Birds

Strix occidentalis caurina-northern spotted owl (T)

Plants

Cordylanthus tenuis ssp. capillaries-Pennell's bird's-beak (E)

Key:

(E) Endangered - Listed as being in danger of extinction.

(T) Threatened - Listed as likely to become endangered within the foreseeable future.

(P) Proposed - Officially proposed in the Federal Register for listing as endangered or threatened.

(NMFS) Species under the Jurisdiction of the [National Oceanic & Atmospheric Administration Fisheries Service](#). Consult with them directly about these species.

Critical Habitat - Area essential to the conservation of a species.

(PX) Proposed Critical Habitat - The species is already listed. Critical habitat is being proposed for it.

(C) Candidate - Candidate to become a proposed species.

(V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.

(X) Critical Habitat designated for this species



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad is (Cloverdale (3812371) or Asti (3812278) or The Geysers (3812277) or Warm Springs Dam (3812361) or Geyserville (3812268) or Jimtown (3812267) or Cazadero (3812351) or Guerneville (3812258) or Healdsburg (3812257)) and Habitat is (Chaparral or Cismontane woodland or Riparian woodland or Valley & foothill grassland or Redwood or North coast coniferous forest)

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Baker's navarretia <i>Navarretia leucocephala</i> ssp. <i>bakeri</i>	PDPLM0C0E1	None	None	G4T2	S2	1B.1
Brandegee's eriastrum <i>Eriastrum brandegeae</i>	PDPLM03020	None	None	G1Q	S1	1B.1
burrowing owl <i>Athene cunicularia</i>	ABNSB10010	None	None	G4	S3	SSC
California red-legged frog <i>Rana draytonii</i>	AAABH01022	Threatened	None	G2G3	S2S3	SSC
Cobb Mountain lupine <i>Lupinus sericatus</i>	PDFAB2B3J0	None	None	G2	S2	1B.2
Colusa layia <i>Layia septentrionalis</i>	PDAST5N0F0	None	None	G2	S2	1B.2
Dorr's Cabin jewelflower <i>Streptanthus morrisonii</i> ssp. <i>hirtiflorus</i>	PDBRA2G0S2	None	None	G2T1	S1	1B.2
dwarf downingia <i>Downingia pusilla</i>	PDCAM060C0	None	None	GU	S2	2B.2
dwarf soaproot <i>Chlorogalum pomeridianum</i> var. <i>minus</i>	PMLIL0G042	None	None	G5T2	S2	1B.2
foothill yellow-legged frog <i>Rana boylei</i>	AAABH01050	None	None	G3	S2S3	SSC
fragrant fritillary <i>Fritillaria liliacea</i>	PMLIL0V0C0	None	None	G2	S2	1B.2
Franciscan onion <i>Allium peninsulare</i> var. <i>franciscanum</i>	PMLIL021R1	None	None	G5T1	S1	1B.2
Freed's jewelflower <i>Streptanthus brachiatus</i> ssp. <i>hoffmanii</i>	PDBRA2G071	None	None	G2T2	S2	1B.2
Geysers panicum <i>Panicum acuminatum</i> var. <i>thermale</i>	PMPOA24028	None	Endangered	G5T2Q	S2	1B.2
glandular western flax <i>Hesperolinon adenophyllum</i>	PDLIN01010	None	None	G3	S3	1B.2
Greene's narrow-leaved daisy <i>Erigeron greenei</i>	PDAST3M5G0	None	None	G2	S2	1B.2
hoary bat <i>Lasiurus cinereus</i>	AMACC05030	None	None	G5	S4	
Hoffman's bristly jewelflower <i>Streptanthus glandulosus</i> ssp. <i>hoffmanii</i>	PDBRA2G0J4	None	None	G4TH	SH	1B.3
holly-leaved ceanothus <i>Ceanothus purpureus</i>	PDRHA04160	None	None	G2	S2	1B.2



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Jepson's leptosiphon <i>Leptosiphon jepsonii</i>	PDPLM09140	None	None	G2	S2	1B.2
Konocti manzanita <i>Arctostaphylos manzanita ssp. elegans</i>	PDERI04271	None	None	G5T3	S3	1B.3
marsh microseris <i>Microseris paludosa</i>	PDAST6E0D0	None	None	G2	S2	1B.2
Methuselah's beard lichen <i>Usnea longissima</i>	NLLEC5P420	None	None	G4	S4	4.2
Morrison's jewelflower <i>Streptanthus morrisonii ssp. morrisonii</i>	PDBRA2G0S3	None	None	G2T2	S2	1B.2
Mt. Saint Helena morning-glory <i>Calystegia collina ssp. oxyphylla</i>	PDCON04032	None	None	G4T3	S3	4.2
Napa false indigo <i>Amorpha californica var. napensis</i>	PDFAB08012	None	None	G4T2	S2	1B.2
narrow-anthered brodiaea <i>Brodiaea leptandra</i>	PMLIL0C022	None	None	G3?	S3?	1B.2
pallid bat <i>Antrozous pallidus</i>	AMACC10010	None	None	G5	S3	SSC
pappose tarplant <i>Centromadia parryi ssp. parryi</i>	PDAST4R0P2	None	None	G3T1	S1	1B.2
Pennell's bird's-beak <i>Cordylanthus tenuis ssp. capillaris</i>	PDSCR0J0S2	Endangered	Rare	G4G5T1	S1	1B.2
Rincon Ridge ceanothus <i>Ceanothus confusus</i>	PDRHA04220	None	None	G1	S1	1B.1
Rincon Ridge manzanita <i>Arctostaphylos stanfordiana ssp. decumbens</i>	PDERI041G4	None	None	G3T1	S1	1B.1
Santa Cruz clover <i>Trifolium buckwestiorum</i>	PDFAB402W0	None	None	G2	S2	1B.1
Sebastopol meadowfoam <i>Limnanthes vinculans</i>	PDLIM02090	Endangered	Endangered	G1	S1	1B.1
serpentine cryptantha <i>Cryptantha dissita</i>	PDBOR0A0H2	None	None	G2	S2	1B.2
serpentine daisy <i>Erigeron serpentinus</i>	PDAST3M5M0	None	None	G2	S2	1B.3
Socrates Mine jewelflower <i>Streptanthus brachiatus ssp. brachiatus</i>	PDBRA2G072	None	None	G2T1	S1	1B.2
Sonoma canescent manzanita <i>Arctostaphylos canescens ssp. sonomensis</i>	PDERI04066	None	None	G3G4T2	S2	1B.2
Sonoma sunshine <i>Blennosperma bakeri</i>	PDAST1A010	Endangered	Endangered	G1	S1	1B.1
Sonoma tree vole <i>Arborimus pomo</i>	AMAFF23030	None	None	G3	S3	SSC



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database

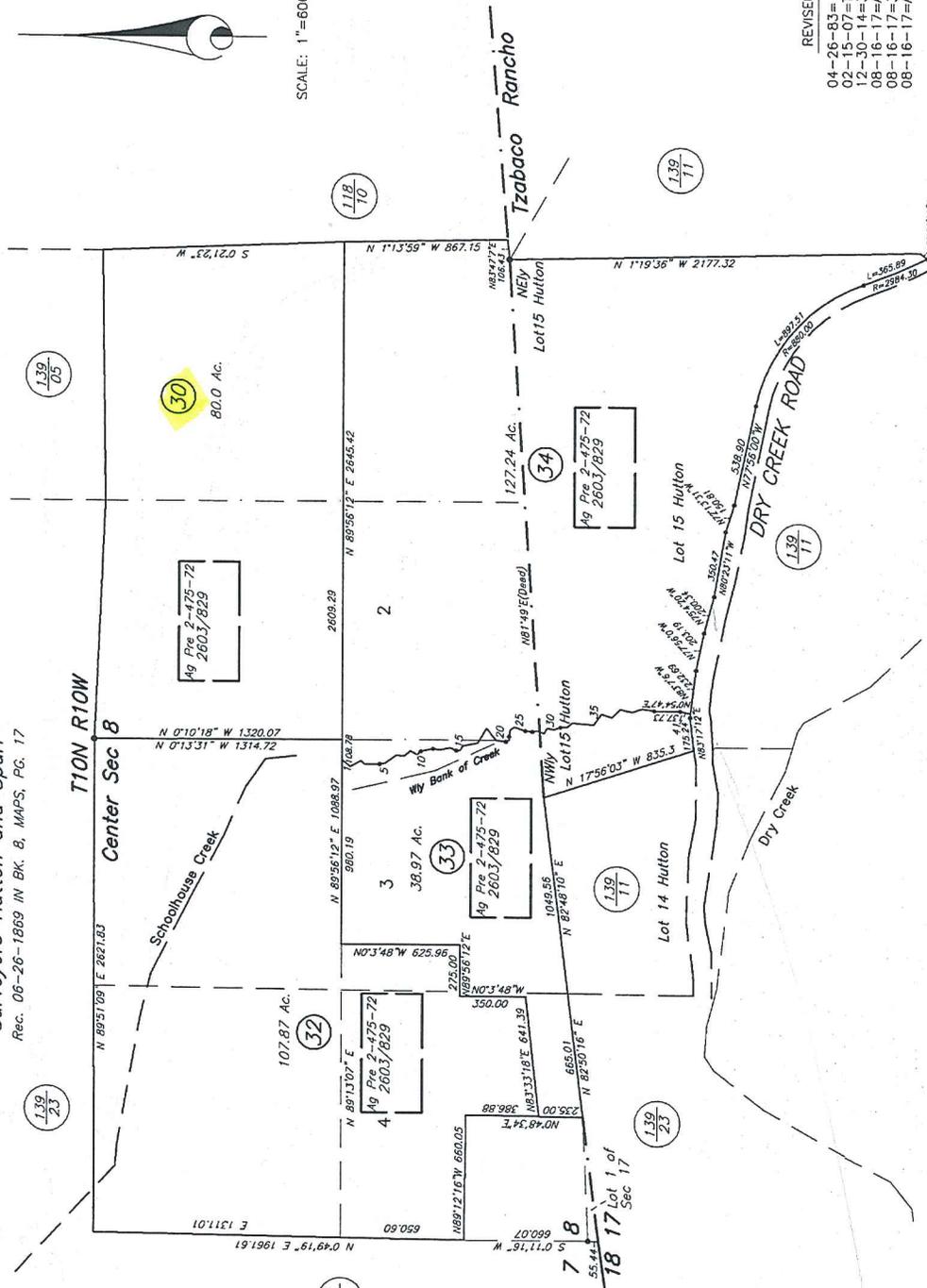


Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
The Cedars fairy-lantern <i>Calochortus raichei</i>	PMLIL0D1L0	None	None	G2	S2	1B.2
The Cedars manzanita <i>Arctostaphylos bakeri ssp. sublaevis</i>	PDERI04222	None	Rare	G2T2	S2	1B.2
thin-lobed horkelia <i>Horkelia tenuiloba</i>	PDROS0W0E0	None	None	G2	S2	1B.2
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	AMACC08010	None	Candidate Threatened	G3G4	S2	SSC
western red bat <i>Lasiurus blossevillii</i>	AMACC05060	None	None	G5	S3	SSC
white seaside tarplant <i>Hemizonia congesta ssp. congesta</i>	PDAST4R065	None	None	G5T2T3	S2S3	1B.2
white-flowered rein orchid <i>Piperia candida</i>	PMORC1X050	None	None	G3?	S2	1B.2
white-tailed kite <i>Elanus leucurus</i>	ABNKC06010	None	None	G5	S3S4	FP

Record Count: 48

COUNTY ASSESSOR'S PARCEL MAP
Ptn. Plat of Tzabaco Rancho
Surveyors Hutton and Spurr
Rec. 06-26-1869 IN BK. 8, MAPS, PG. 17

1	N 89°36'10"E	55.34
2	N 89°55'53"W	66.26
3	N 87°37'04"E	25.64
4	N 71°10'10"W	60.08
5	N 11°17'25"W	31.39
6	N 85°09'21"W	71.29
7	N 6°04'58"E	46.63
8	N 80°37'09"W	42.17
9	N 28°17'58"E	40.80
10	N 43°20'18"W	27.01
11	N 11°43'38"W	66.47
12	N 9°43'28"E	38.51
13	N 13°00'56"W	52.97
14	N 23°27'18"E	35.32
15	N 11°05'27"W	22.07
16	N 82°11'40"W	28.50
17	N 10°54'44"W	81.36
18	N 68°16'19"W	90.69
19	N 57°14'10"E	78.11
20	N 2°35'31"E	52.59
21	N 22°48'50"W	21.67
22	N 36°54'40"W	25.95
23	N 81°37'33"E	18.58
24	N 29°16'01"W	35.43
25	N 18°14'29"E	62.26
26	N 7°41'42"E	37.00
27	N 11°08'29"W	30.48
28	N 22°40'40"E	36.19
29	N 10°35'57"E	37.63
30	N 59°01'57"W	32.55
31	N 21°08'55"W	34.52
32	N 2°18'29"W	38.81
33	N 42°29'02"W	114.83
34	N 5°31'45"W	70.61
35	N 16°34'45"E	58.69
36	N 44°58'42"W	81.47
37	N 12°20'01"E	84.79
38	N 17°52'56"W	56.09
39	N 8°34'51"E	63.18
41	N 17°06'42"E	56.21



SCALE: 1"=600'



REVISED

- 04-26-83=
- 02-15-07= Tie-line=KB
- 12-30-14= J1=KB
- 08-16-17= Ac. Corr. -BC
- 08-16-17= J4=BC
- 08-16-17= Adj. Pg. -BC



Assessor's Map Bk. 139, Pg. 06
Sonoma County, Calif. (ACAD)
KEY 12-30-14 KB

NOTE: This map was prepared for assessment purposes only and does not constitute a legal description or a valid building site. No liability is assumed for the accuracy of the data delineated. The acreages are based on the information supplied to the Assessor (i.e. recorded survey maps, recorded deeds, prior assessment maps, etc.)

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 23
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number:

Hannah Spencer 565-1928

Supervisorial District(s):

4

Title: Land Conservation Act Contract Replacement; Zane Holdings LLC

Recommended Actions:

Adopt a Resolution to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with an Open Space (Type II) Land Conservation Act contract for 107.87 acre property located at 9695 Dry Creek Rd., Healdsburg; APN 139-060-032; Permit Sonoma File No. AGP17-0016; Supervisorial District 4.

Executive Summary:

Sonoma County's Land Conservation Act program has four contract-types available: a) Prime contracts for crop agriculture with a 10 acre minimum parcel size requirement; b) Non-Prime contracts for grazing with a 40 acre minimum; c) Open Space contracts with a 40- acre minimum, and d) Hybrid contracts with a mix of agricultural and open space also with a 40-acre minimum. This action is to replace a Non-Prime (Type II) Land Conservation Contract with an Open Space (Type II) contract as a condition of a previously approved Lot Line Adjustment (LLA14-0025). The Land Conservation Act contracts assist in the preservation of agricultural and open space lands throughout Sonoma County. In exchange for retaining land in agriculture and/or open space, the landowner receives reduced property taxes.

Discussion:

Zane Holdings LLC seeks approval of a replacement Land Conservation Contract for a 107.87 acre parcel located within Agricultural Preserve Area Number 2-475, as a condition of approval by a previously Board-approved Lot Line Adjustment (LLA14-0025, Resolution No. 17-0086). This action would replace the existing non-prime Land Conservation contract with an Open Space Land Conservation contract that corresponds with the new property line boundaries and open space use of the site. The project site is located in the hills above Dry Creek Valley, approximately 0.5 miles northeast of Warm Springs Dam and ten miles northwest of the city of Healdsburg. The project site is undeveloped and consists of steep, rugged terrain with a few disturbed areas on the ridgeline. The remainder of the site is covered in mixed oak woodlands, riparian woodlands, doug-fir woodlands, and chaparral. Schoolhouse Creek, a tributary that feeds Dry Creek and the Russian River, bisects the northern portion of the site. The landowner plans to build a future single family dwelling within one of the disturbed areas onsite. The project site is zoned

LIA (Land Intensive Agriculture) B6-40 acre density, with combining districts Z (Accessory Unit Exclusion), RC50/50 (Riparian Corridor with 50-foot setbacks), and SR (Scenic Resources).

Background:

The subject parcel and three adjacent parcels (APN 139-060-030, -033, -034) have been under a single non-prime Land Conservation contract since 1972 (contract #72-055929). On February 21, 2017 the Board approved Lot Line Adjustment LLA14-0025 for the subject site and two adjacent parcels (APN 139-060-033 and -034). Recordation of Lot Line Adjustment grant deeds LLA14-0025 resulted in adding 27.87 acres of open space to the subject site. As part of the conditions of approval of LLA14-0025, the landowner was required to apply to rescind the existing Land Conservation Act contract and replace it with three new contracts for the reconfigured parcels in accordance with the Uniform Rules. To reflect the current open space use of the project site, the landowner is requesting to replace the non-prime Land Conservation contract with an Open Space contract. Permit Sonoma is currently processing replacement contracts for the other two parcels involved in LLA14-0025.

In February 2015, a *Wildlife Habitat Study* was conducted on the site and the three adjacent parcels (totaling 352 acres) by Kjeldsen Biological Consulting (refer to Attachment C). The purpose of the Wildlife Habitat Study was to evaluate the project site for its qualification as an Open Space Land Conservation Act contract. The Wildlife Habitat Study concludes the property presents the open space qualities and wildlife resources consistent with an Open Space contract. The Land Conservation Plan (refer to Exhibit B) requires the landowner to implement management practices that will enhance and maintain the wildlife habitat values identified by Kjeldsen Biological Consulting.

Uniform Rules:

As part of the Board of Supervisors' December 2011 update of the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* ("Uniform Rules") the Board eliminated the distinction between Prime (Type I) and Non-Prime (Type II) Agricultural Preserves. This allows the County to enter into either a Prime or Non-Prime contract in any established Preserve. The subject 107.87 acre property is within the boundaries of established Agricultural Preserve Area Number 2-475.

Also, as part of the update of the Uniform Rules, the County has implemented use of a Land Conservation Plan which is incorporated into a Land Conservation (Williamson) Act Contract. Land Conservation Plans show locations of various agricultural, open space, permitted, and compatible land uses on contracted land. Future changes to the Land Conservation Plan may be approved by the Director of Permit Sonoma and recorded on title of the subject parcel.

Staff Recommendation:

Staff recommends the Board approve the request to rescind and replace the existing non-prime contract with a new Open Space contract because all of the state and local requirements for the replacement Open Space Land Conservation Act Contract for the 107.87 acre parcel within the existing Agricultural Preserve have been met.

Prior Board Actions:

- a. On December 13, 2011, the Board approved the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678).

b. On February 21, 2017, the Board approved a Lot Line Adjustment LLA14-0025 (Resolution No. 17-0086)

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Agricultural Preserves and Land Conservation Act Contracts support agriculture and agribusiness by assisting in the preservation of agricultural land through the incentive of reduced property taxes in exchange for retaining the land in agricultural production.

Fiscal Summary

Expenditures	FY 16-17 Adopted	FY 17-18 Projected	FY 18-19 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			

Funding Sources

General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

Approval of the Land Conservation Act Contract means that the owner will pay a reduced property tax assessment based upon the value of the agricultural or open space uses rather than the land value under Proposition 13. This results in a reduction in the County’s share of property tax revenue for each parcel under a Land Conservation Act Contract. For this particular replacement contract, the Assessor estimates there will be no change in property assessment value.

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Draft Board of Supervisors Resolution

Attachment A: Proposal Statement prepared by Curtis & Associates, dated November 2017

Attachment B: Site Plan

Attachment C: Wildlife Habitat Study prepared by Kjeldsen Biological Consulting, dated February 2015

Attachment D: Assessor's Parcel Map

Related Items "On File" with the Clerk of the Board:

Land Conservation Act Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan).



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____

Resolution Number: _____

AGP17-0016 Hannah Spencer



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By Zane Holdings LLC to Rescind An Existing Non-prime (Type II) Land Conservation Act Contract And Replace It With An Open Space (Type II) Land Conservation Act Contract And Authorize The Chair Of The Board To Execute The New Land Conservation Act Contract And Land Conservation Plan, For Open Space Land Located At 9695 Dry Creek Rd., Healdsburg; APN 139-060-032.

Whereas, a request has been made by the property owner to authorize the Chair of the Board to rescind an existing Non-prime (Type II) Land Conservation Act Contract and replace it with an Open Space (Type II) Land Conservation Act contract for property located at 9695 Dry Creek Rd., Healdsburg; APN 139-060-032; Supervisorial District No. 4; and,

Whereas, in 1972, the subject property was entered into a Non-prime (Type II) Land Conservation Act contract for grazing land (contract #72-055929); and,

Whereas, a condition of the previously approved Lot Line Adjustment (LLA14-0025), Resolution No. 17-0086, required the landowner to file for a replacement contract to correspond with the new property line boundaries and open space use of the property; and,

Whereas, on December 13, 2011, the Board of Supervisors adopted the updated *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules)* (Resolution No. 11-0678); and,

Whereas, consistent with the *Uniform Rules*, County Counsel has revised the Land Conservation Act Contract form, which now incorporates a Land Conservation Plan identifying the agricultural and/or open space uses of the contracted land. Future changes to identified land uses require amendment of the Land Conservation Plan. The Board, pursuant to Resolution No. 11-0678, has authorized the Director of Permit Sonoma to approve amendments to executed Land Conservation Plans; and,

Whereas, Sonoma County's Land Conservation Act program has four contract-types

available: a) Prime contracts for crop agriculture with a 10 acre minimum parcel size requirement; b) Non-Prime contracts for grazing with a 40 acre minimum; c) Open Space contracts with a 40- acre minimum, and d) Hybrid contracts with a mix of agricultural and open space also with a 40-acre minimum. This action is to replace a Non-prime Land Conservation Contract with an Open Space contract to correspond with the parcel's open space use; and,

Whereas, the Board of Supervisors finds that the 107.87 acre parcel will meet the requirements for a replacement Open Space Land Conservation Act Contract.

Now, Therefore, Be It Resolved, that the Board of Supervisors makes the following specific findings concerning the requirements for a new Open Space (Type II) Land Conservation Act Contract ("Contract"):

1. Land is within an Agricultural Preserve: The 107.87 acre parcel is located within established Agricultural Preserve Area Number 2-475.
2. Minimum Parcel Size: The land must be at least 40 acres in size for an Open Space (Type II) Land Conservation Act Contract. The 107.87 acre parcel exceeds the minimum parcel size requirement.
3. Open Space Use Requirement: A minimum of 50 percent of the land is required to be continuously used or maintained for agricultural uses, open space uses, or a combination of agricultural and open space uses. The 107.87 acre parcel is undeveloped and over 97 percent of the land is devoted to open space uses.

A wildlife habitat area is defined at Uniform Rule 2.0 as "land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the California Department of Fish and Game, as an area of importance for the protection or enhancement of the wildlife resources of the state. Wildlife habitat includes any land area designated in the General Plan as a biotic habitat area or riparian corridor."

In February 2015, a *Wildlife Habitat Study* was conducted on the site by Kjeldsen Biological Consulting. The purpose of the Wildlife Habitat Study was to evaluate the project site for its qualification as an Open Space Land Conservation Act contract. The Wildlife Habitat Study concludes the property presents the open space qualities and wildlife resources consistent with an Open Space contract. Specifically, Kjeldsen Biological Consulting found the majority of the property is in open-space undisturbed natural habitat and that protection of this wildlife habitat area provides a variety of ecosystem services, including:

- Corridors for biological access to diverse essential ecosystem resources allowing seasonal movement and gene flow;

- Breeding and foraging habitat for local and migratory wildlife and avifauna;
- Preservation of diverse plant alliances and natural biota;
- Preservation of biological diversity;
- Protection of and preservation of portions of the watershed;
- Carbon sequestration;
- Improve air quality;
- Alter microclimate;
- Natural areas for nutrient recycling (decomposition) by bacteria and fungi that will support terrestrial and aquatic resources on site and off site;
- Soil development and retention;
- Ground water recharge of aquifers; and
- Retention of viewshed.

The attached Land Conservation Plan requires the landowner to implement management practices that will enhance and maintain the wildlife habitat values identified by Kjeldsen Biological Consulting.

The biological report was provided to the California Department of Fish and Wildlife (formerly Department of Fish and Game) along with a request for consultation and recommendation, but no response has been forthcoming. Based on the biological resource survey and Department of Fish and Wildlife's non-response, staff recommends that the Board find sufficient evidence to support an open space designation for the subject parcel by approving the present contract based on the parcel's 100+ acres of open space uses.

4. Single Legal Parcel Requirement: The subject parcel proposed for the replacement contract is comprised of a single legal parcel with the following Assessor's Parcel Number: APN 139-060-032.
5. Compatible Uses for Open Space Land: Compatible uses of the land must be listed in the Uniform Rules as compatible uses and collectively, cannot occupy more than 15 percent or 5 acres of the total parcel size, whichever is less, excluding public roads, private access roads, and driveways. For this parcel, the 5 acre threshold would apply. The parcel is undeveloped and therefore meets the 5-acre threshold.

Be It Further Resolved, that the Board of Supervisors hereby grants the request by Zane Holdings LLC to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with an Open Space Land Conservation Act contract on 107.87 acres within an existing Agricultural Preserve (2-475), and authorize the Chair of the Board to sign the new Open Space (Type II) Land Conservation Act Contract for APN 139-060-032.

Be It Further Resolved, that the Clerk of the Board of Supervisors is hereby instructed to record within 20 days and no later than December 31, 2018 (1) this

Resolution and Attachment A (the Agricultural Preserve Map) and (2) the associate Land Conservation Act Contract and attached Land Conservation Plan with the Office of the Sonoma County Recorder.

Be It Further Resolved, that the Board of Supervisors finds that the project described in this Resolution is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15317 Class 17 of Title 14 of the California Code of Regulations (CEQA Guidelines) in that the project is within an established Agricultural Preserve and is a replacement of a Land Conservation Act Contract.

Be It Further Resolved, that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based, including the original executed Contract and Land Conservation Plan. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

CURTIS & ASSOCIATES

LAND SURVEYING SERVICES

805 HEALDSBURG AVENUE

HEALDSBURG, CALIFORNIA 95448

707-433-4808

FAX 707-433-9918

2014-001

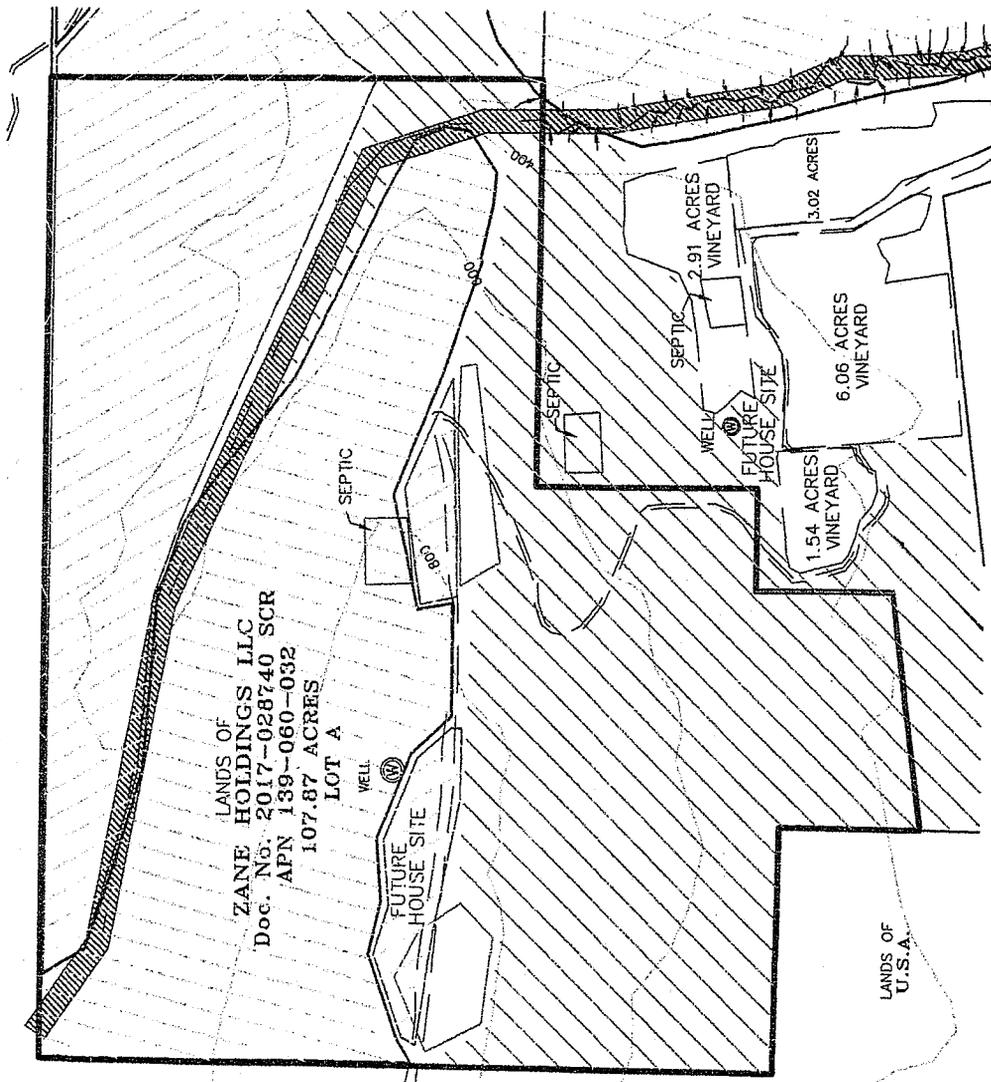
November 1, 2017

LOT A

**PROPOSAL STATEMENT
FOR A RESCIND AND REPLACE
LAND CONSERVATION CONTRACT
FOR THE LANDS OF ZANE HOLDINGS, LLC**

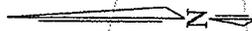
This is an application to rescind and replace the current Type II Non-Prime Land Conservation Act Contract with an Open Space Lands Conservation Act contract based on the site qualities identified in the Wildlife Habitat Study prepared by Kjeldsen Biological Consultants, dated February 2015 and submitted with PLP14-0030.

" THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY"
 ANY ERRORS OR OMISSIONS ON THIS EXHIBIT SHALL NOT AFFECT THE DEED DESCRIPTION



LANDS OF U.S.A.
 ZANE HOLDINGS LLC
 Doc. No. 2017-028740 SCR
 APN 139-060-032
 107.87 ACRES
 LOT A
 WELL

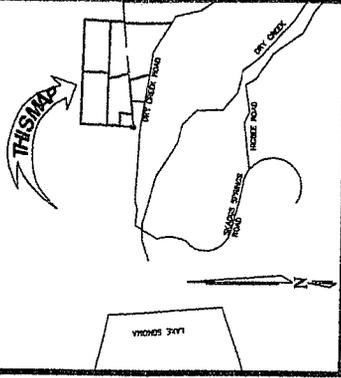
LANDS OF U.S.A.



LEGEND

- EXISTING LOT LINE
- CREEK
- ROAD
- EXTENT OF VINEYARD
- SONOMA COUNTY RECORDS DOCUMENT NUMBER
- WELL
- RIPARIAN WOODLANDS
- MIXED OAK WOODLANDS
- DOUG-FIR WOODLANDS
- CHAPARRAL
- VINEYARD
- DISTURBED

VICINITY
 N.T.S.



0 500'
 SCALE : 1"=500'

LOT "A"
 PROPOSED TYPE 2 OPEN SPACE CONTRACT
 LOT SIZE 107.87 ACRES

SITE MAP

FOR LOT A
 AGRICULTURAL PRESERVE MODIFICATION
 WITHIN THE LANDS OF
 ZANE HOLDINGS LLC
 AS DESCRIBED IN DOCUMENT NUMBER
 2017-028740, SONOMA COUNTY RECORDS
 COUNTY OF SONOMA · STATE OF CALIFORNIA
 SCALE: 1" = 500'
 DECEMBER, 2017



Brian Alan Curtis 2/26/18
 BRIAN ALAN CURTIS, P.L.S. 8485
 EXP. 12/31/18

CURTIS & ASSOCIATES
 805 HEADSBERG AVE. · HEADSBERG, CA 95448 · (707)433-4808
 A.P.N. 139-060-032 SHEET 1 OF 1 14-001

ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

WILDLIFE HABITAT STUDY

Zane Holdings LLC

9680 Dry Creek Road Healdsburg CA, 95448

APN 139-060-28, 29, 30, and 31



Prepared

By

Kjeldsen Biological Consulting

923 St. Helena Ave.

Santa Rosa, CA 95404

For

Zane Holding LLC

PO Box 2008

Cupertino, CA 95915

February 2015

TABLE OF CONTENTS

EXECUTIVE SUMMARY

A.	PROJECT DESCRIPTION.....	1
	A.1 Introduction	
	A.2 Purpose	
B.	SURVEY METHODOLOGY.....	3
	B.1 Field Survey Methodology	
C.	RESULTS / FINDINGS.....	4
	C.1 Project Description Biological Setting	
	C.2 Habitat Types Present	
	C.3 Special-Status Species(s)	
	C.4 Open Space Qualities and Wildlife Resources	
D.	DISCUSSION & CONCLUSIONS.....	17
E.	LITERATURE CITED /REFERENCES.....	19
	E.1 Literature and References	
	E.2 Names and Qualifications of Field Investigators	

PHOTOGRAPHS **Figures** **1 to 5**

PLATES

Plate I	Location / Site Map
Plate II	CDFW CNDDDB Rare Find Map
Plate III	Aerial Photo/Wildlife Corridors
Plate IV	General Wildlife Habitat Types

APPENDIX A. **Flora and Fauna Observed**

APPENDIX B. **CNPS Special Status-species Listed for the Project Quadrangle and Surrounding Quadrangles**

U.S. Fish and Wildlife Service Listed Species for the Quadrangle

California Department of Fish and Wildlife Rare Find 5 Species list for the Quadrangle and Surrounding Quadrangles for Habitat found on the project site

EXECUTIVE SUMMARY

This study was conducted at the request of Brian Curtis PLS, Curtis & Associates Land Surveying Services, on behalf of the property owner. The project proposes placement of the property into a Type II Non-Prime Agricultural Land contract. The property extends upslope on the north side of Dry Creek Road above Dry Creek Valley. The property consists of four parcels that total approximately 352.95 acres. There are 20.03 acres of planted vineyards on the properties. Approximately 85% of the property is open-space wildlife habitat with connectivity to US Government held lands associated with Lake Sonoma.

The purpose of the study and report is to provide background information to the California Department of Fish and Wildlife to determine that the property contains sufficient biological resources, which would be considered as “Wildlife Habitat Areas.” The information is required for evaluating and processing of the application to consider the parcels as “Agriculture Preserve” under the Williamson Act.

Our findings are based on analysis of pertinent literature, onsite study, habitat types present, and the relationship of the parcels to surrounding habitat and biological resources. Our fieldwork was conducted on January 9 and 27, 2015.

- Approximately 85% of the property is open-space undisturbed natural habitat;
- Only the vineyard blocks are deer fenced leaving open space corridors (Plate III) through and around the agricultural elements;
- The parcels contain significant wildlife corridors allowing movement through and within the property;
- The parcels are within the watershed of Dry Creek and the Russian River;
- The plant communities/associations or habitat types present on the undeveloped land of the parcels would be termed: Forest or Woodland Alliances (four different types), Riparian Woodland, Shrubland/Chaparral Alliance (Chamise Chaparral) and a small representation of Grassland Semi-natural Herbaceous Stands with Herbaceous Layer.

Open Space Qualities and Wildlife Resources:

- The primary consideration is that undeveloped natural areas of the parcels are effectively linked to vast areas of the Coast Range Mountain habitat. The undeveloped open space access (lack of perimeter deer fencing) on the parcels effectively provides wildlife with unobstructed access through and across the parcels;
- The diversity of the vegetation on the parcels provides habitat that allows diverse animal foraging and cover;
- The proximity of the property to Lake Sonoma and its biological accessibility from the adjacent large undeveloped parcels of the Coast Range Mountains offers high potential for support, migration and dispersal of local wildlife species;
- The habitat types and or plant communities with their interfacing “edges” support a wide array of fungi, lichens, mosses, ferns, conifers and flowering plants, insects, amphibians reptiles,

- birds and mammals;
- The Forest or Woodland Alliances present on the proposed Wildlife Habitat Areas provide foraging and nesting needs for local wildlife. Conifer and Oak Woodlands as plant communities and wildlife habitat have been lost and impacted throughout California;
 - The parcels show a diversity of age class structure within the Forest or Woodland Alliances present; and
 - Native bunch grasses are surviving on the property. This type of habitat is becoming increasingly rare in the County and State, and is easily destroyed by livestock grazing and intensive land use.

Ecological Functions and Services:

- The proposed Open Space Preserve is within a portion of the watershed of School House Creek a Tributary of Dry Creek and the Russian River. As a watershed it functions to: maintain surface water quality through filtration and decomposition of pollutants, recharge of groundwater resources, maintain water quality through silt retention and by filtering out sediment and nutrients from run-off, the prevention of flooding and minimization of channel erosion by slowing surface runoff;
- The habitat types and the absence of cattle grazing offer a high quality environment for local wildlife and plant species; and
- The property provides a corridor link from the open space lands to the north and east to Lake Sonoma allowing genetic dispersal of wildlife as well as botanical gene flow.

Biotic resources in California are being lost as well as natural habitat. The proposed amendment will protect and preserve wildlife habitat on the parcels as well as providing connectivity to extensive areas of the Coast Range Mountains. Open Space Preserve and Wildlife Habitat Areas also will function as areas for retention of botanical resources, watershed and biological diversity. The property is a rich mosaic of habitat types and botanical resources. In addition there are extensive Oak Woodlands, which have been severely impacted and lost in the region. The size and connectivity of the property offers high potential for the sustainable support of a rich diversity of wildlife.

WILDLIFE HABITAT STUDY

Zane Holdings LLC

9680 Dry Creek Road Healdsburg CA, 95448

APN 139-060-28, 29, 30, and 31

A PROJECT DESCRIPTION

This study was conducted at the request of Brian Curtis PLS, Curtis & Associates Land Surveying Services on behalf of the property owner. The project proposes an amendment to the existing Williamson Act Contract for the parcels. The owner proposes placement of the property into a Type II Non-Prime Agricultural Land contract.

A.1 Introduction

The property extends upslope on the north side of Dry Creek Road above Dry Creek Valley. The property consists of four parcels that total approximately 353 acres. There are 20.03 acres of planted vineyards on the property. Approximately 85% of the property is open-space wildlife habitat with connectivity to US Government held lands associated with Lake Sonoma.

The land use in the local area consists of rural/residential housing and agricultural lands such as open grazing lands vineyards and olive orchards along Dry Creek Road and open space woodlands on the west, north and east of the property.

Plate I provides a Site and Location Map of the property. Plate IV is an aerial photograph of the property showing vegetation types and vineyard locations.

The Williamson Act or California Land Conservation Act of 1965 is a legislative act intended to preserve agriculture and agricultural lands (Government Code Section 51200-51207). The act also allows upon consultation, consideration of “Wildlife Habitat Area” as “areas of great importance for the protection or enhancement of the wildlife resources of the state” and also consideration of Open Space Use as “the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness, to provide essential habitat for wildlife.”

Our findings and conclusions are based on literature resources, field conditions, plant associates, habitat present, the association of the property with adjacent properties including the Lake Sonoma, the remoteness and inaccessibility of significant portions of property, the lack of perimeter vineyard deer fencing, and the familiarity with other properties in the area. Our 2015 fieldwork was a winter analysis of the property, which is reflected in the species list attached. Seasonal studies will undoubtedly find numerous additional plant and animal species as residents on the property or transient in their appearance as they migrate through.

A.2 Purpose

The purpose of the study and report is to provide background information to the California Department of Fish and Wildlife to determine that the property contains sufficient biological resources which would be considered as “Wildlife Habitat Areas.” The information is required for evaluating and processing the application to consider the parcels as “Agriculture Preserve” under the Williamson Act.

B SURVEY METHODOLOGY

Our fieldwork and property survey is a reconnaissance level survey and was undertaken to provide sufficient information for determining the quality of wildlife habitat value on the property and the potential connectivity to local adjoining biological resources, which would provide justification for consideration of the property as a candidate for Williamson Act Open Space Preserve and Wildlife Habitat Area.

B.1 Field Survey Methodology

Fieldwork was conducted by driving access roads and walking the property with two personnel (Chris K. Kjeldsen and Daniel T. Kjeldsen). We reviewed the neighboring parcels from the edges of the property (private property was not entered), aerial photographs and from available access roads. Field surveys were conducted on January 9 and 27, 2015. Our fieldwork is a reconnaissance level study.

Our fieldwork studied the property and surrounding habitat, noting habitat types or plant community/associations and searching for special-status organisms or the presence of suitable habitat, which would support special-status organisms animal or plant species that are listed by the State, Federal Government, or California Native Plant Society. Special-status species with potential for the area are recorded by the California Native Plant Society (CNPS), California Department of Fish and Wildlife (CDFW) Natural Diversity Data Base (CNDDDB), and Federal Endangered and Threatened Species known for U.S.G.S. 7 1/2 Minute Quadrangle and the nine surrounding Quadrangles listed by the United States Department of Interior Fish and Wildlife Service (USFWS).

Plants were identified in the field or specimens were collected, when necessary, for laboratory examination with a binocular microscope. Voucher material for selected individuals is in the possession of the authors. All plants observed (living and or remains from last season's growth) were recorded in field notes. A complete record of all plant species observed and collected as voucher material is presented in Appendix A. Dr. Kjeldsen has a CDFW Collecting Permit.

Animals were identified in the field by their sight, sign, or call. Our field technique for surveying and identification of birds was facilitated with the aid of field binoculars.

The area was surveyed to determine whether raptor nests were present on the property. Surveys consisted of scanning the trees on the property with binoculars searching for nests or bird activity. The property was surveyed for bat breeding habitat by looking for roosting habitat crevasses and evidence of roosting.

Wildlife corridors were evaluated by searching for game trails. Game trails were present and randomly located across and through the property.

Photographs for this report were taken using a Nikon digital camera and printed on an Epson Stylus C88 printer to illustrate field conditions. Selected photographs are included in this report.

C RESULTS / FINDINGS

Our results and findings are based on our site visits and background material available for the project.

C.1 Property Description / Biological Setting

Figures 1 to 5 below illustrate habitat found on the property and Plate III shows the wildlife corridors. The property is within the Cloverdale USGS Quadrangle near the edge of the Asti Quadrangle. The parcels extend upslope from the Russian River with predominantly southwest facing slopes. The property drainage is by sheet flow into Schoolhouse Creek and unnamed tributaries of the Russian River. The upper areas of the property have varying views (up to 180 degrees) of Dry Creek and Lake Sonoma. Likewise, parts of this property form scenic view shed from Dry Creek Road.

C.2 Habitat Types Present

It is generally convenient for descriptive needs, to refer to the vegetation associates on a property as a plant community. Plant communities are usually identified by the dominant vegetation form or dominant species present. There have been numerous community classification schemes proposed by different authors using different systems for classification of vegetation on a site with the assumption that there are discrete boundaries. There is also evidence that the vegetation on the site is part of a continuum without well-defined boundaries and that the vegetation associates integrate with one another over the landscape. Natural communities normally have the following attributes: 1) they are physically defined including a given structure and discernable edges or transitions to adjacent communities, 2) they reflect distinct environmental conditions with a composition of characteristic species and can be considered ecological units, 3) they cover a discrete area, and 5) they form units that are treated as habitats by animals and plants and are ecosystems.

Biotic Communities integrate the concept of assemblages of plants and animals in a discrete area of the landscape associated with particular soils climate and topographic conditions.

The plant communities/associations or habitat types present on the undeveloped land of the parcels are the following: Forest or Woodland Alliances (four different alliances), Shrubland/Chaparral Alliance (Chamise Chaparral), Riparian Zone Woodland and Grassland (Semi-natural Grassland with Herbaceous Layer).

Each of these vegetation types is described below using the classification system of Sawyer 2009. Figures 1-5 illustrate portions of the different vegetation types present as mapped in Plate IV (two of the vegetation types Redwood Forest and Madrone Forest included within the Doug-Fir and Mixd Oak Woodlands on Plate IV). The vegetation cover acreage of each of these alliances is summarized in the table below.

Table I. Approximate Acreage of Vegetation Coverage

Vegetation Type	Acreage	Notes See Also Plate IV
Forest Woodlands Alliance (Mixed Oak Woodland)	152	Dominate Undeveloped Portions of the Parcels
Forest Woodlands Alliance (Douglas-fir Woodland)	118	Present along slopes and ridges of the property
Forest Woodlands Alliance (Madrone Woodland)	5	Present along South facing ridges
Forest Woodlands Alliance (Redwood Woodland)	5	Present on slopes of Schoolhouse Creek
Chaparral	35	Hillside on East side of Parcel
Riparian Woodlands	8	Along Edge of Schoolhouse Creek and Unnamed tributary on east side of property.
Grassland (Semi-natural Herbaceous Stand)	4	Small patches along edge of Vineyards and in forest openings along access roads.
Vineyard	20.03	APN 139-060-28 and 29
Roads and Infrastructure	8	Disturbed or within Vineyard Fencing.

Property Total = 352.96-Acres

FOREST OR WOODLAND ALLIANCES

Woodland Alliances are characterized by a dominant tree overstory and different degrees of understory development. Fire management, canopy age and degree of closure, windfalls, historic use, substrate base, aspect and rainfall are variables that control the degree of understory shrubs, herbs and tree recruitment.

Woodland/Forest. The woodland/forest vegetation dominates the property. The most prominent oak woodland/forest type consisting of Oak Woodlands (Sawyer, et al, 2009) This woodland is dominated by live and black oak, but several other species of oaks and other trees are present in varying densities. Understory vegetation is limited because of canopy closure and leaf litter. Scattered herbaceous vegetation includes native grasses such as California fescue (*Festuca californica*) and blue wildrye (*Elymus glaucus*). Native forbs (herbaceous flowering plants that are not graminoids) in the understory include milk maids (*Cardamine californica*), Indian warrior (*Pedicularis densiflora*), and blue dicks (*Dichelostema capitata*). The property's woodland alliance appears to be of a relatively mature Oak age class.

The forest or woodlands on the parcels are considered to be Cismontane Woodlands or Oak Woodlands. The composition varies throughout the landscape of the property depending on aspect, soils and historic use. Local Oak woodlands have undergone many changes due to human management and impacts. They were a valuable food source for Native Americans and were managed by the use of fire to increase acorn production and wildlife resources. They were considered to be “weeds” by ranchers raising cattle and by foresters looking for conifer production. The Oak Woodlands in the area were extensively cut for firewood and charcoal production for the

early Californians in the absence of coal. Limited lumber and railroad tie production also impacted Oak Woodlands.

The Forest or Woodland Alliances on the property consist of:

- 1) *Quercus (agrifolia, douglasii, garryana, kelloggii, lobata, wislizeni)* Forest Alliance Mixed Oak Forest;
- 2) *Pseudotsuga menziesii* Forest Alliance Douglas fir Forest;
- 3) *Arbutus menziesii* Forest Alliance Madrone Forest; and
- 4) *Sequoia sempervirens* Forest Alliance Redwood Forest.

Each of these alliances is described below as well as the membership rules as per Sawyer (2009).

Forest Alliance Mixed Oak Woodland; *Quercus agrifolia*, *Q. douglasii*, *Q. garryana*, *Q. kelloggii*, *Q. lobata* and/or *Q. wislizeni* are co-dominant in the tree canopy with *Aesculus californica*, *Arbutus menziesii*, *Pinus sabiniana*, *Pseudotsuga menziesii*, and *Umbellularia californica*. Trees > 30 m. The canopy is intermittent to continuous. Shrubs are infrequent or common, herbaceous layer is sparse or abundant, may be grassy. This Alliance is found in valley and on gentle to steep slopes. The membership rules require three or more *Quercus* species present at >30% constancy and they are co-dominant in the tree canopy.

Wildlife: Mixed Oak Woodlands are productive for wildlife and support a variety of shrub and herbaceous species. The understory associates vary with aspect, fire history and grazing pressure. The annual acorn crop provides an important food source for many species of birds and mammals particularly deer and the introduced wild turkey. Numerous insects feed on oaks. The wildlife associated with Oak Woodlands includes the following: deer, squirrels, mountain lion, coyote, striped skunk, bobcat, fox and numerous rodents. Numerous fungi including many mycorrhizal fungi are associated with this species. Many mosses, liverworts and lichens are associated with these trees. Reptiles in this habitat include: western fence lizard, alligator lizard, king snake, common gopher snake, and western rattlesnake. Amphibians include: salamanders, frogs, newts, and toads. Many of California's birds are associated with this habitat.

Forest Alliance Douglas fir Forest; *Pseudotsuga menziesii* is dominant or co-dominant with hardwoods in the tree canopy with *Abies concolor*, *Acer macrophyllum*, *Alnus rhombifolia*, *Arbutus menziesii*, *Calocedrus decurrens*, *Chamaecyparis lawsoniana*, *Chrysolepis chrysophylla*, *Cornus nuttallii*, *Pinus contorta*, *P. lambertiana*, *P. jefferyi*, *Quercus agrifolia*, *Q. chrysolepis*, *Q. garryana*, *Q. kelloggii* and *Sequoia sempervirens*. Membership rules >50% relative cover in the tree canopy and reproducing successfully, though hardwoods may dominate or co-dominate in the subcanopy and regeneration layer. Trees >75 m; canopy is intermittent to continuous, and it may be two tiered. Shrubs are infrequent or common. Herbaceous layer is sparse or abundant. North Coast interior stands are local and often associated with relic populations of *Sequoia sempervirens*. *Pseudotsuga menziesii* Forest Alliance in some instances are a seral stage in Oak Woodlands and in the absence of fires will reach a climax stage eliminating associated oaks.

Wildlife: Douglas fir Woodlands are not as productive for wildlife as other woodlands but the presence of snags older woodlands are valuable for wildlife. The cones are an important food

source for many species of birds and mammals. Douglas Fir trees are significant symbionts for mycorrhizal fungi with roots supporting as many as 300 different species of fungi. Numerous insects also feed on these trees and they are rich in lichens. The wildlife associated with Douglas Fir Woodlands includes the following: deer, squirrels, mountain lion, coyote, striped skunk, bobcat, fox and numerous rodents. Reptiles in this habitat include: western fence lizard, alligator lizard, king snake, common gopher snake, and western rattlesnake. Amphibians include: salamanders, frogs, newts, and toads. Many of California's birds are associated with this habitat.

Forest Alliance Madrone Forest; *Arbutus menziesii* is dominant or co-dominant tree in the canopy with *Acer macrophyllum*, *Notholithocarpus densiflorus*, *Pseudotsuga menziesii*, *Quercus agrifolia*, *Q. chrysolepis*, *Q. kelloggii*, *Q. wislizeni* and *Umbellularia californica*. Trees < 50m; canopy is continuous. The shrub layer is sparse to intermittent. Herbaceous layer is sparse. Membership rules *Arbutus menziesii* >50% relative cover in the tree canopy. *Arbutus menziesii* groves are considered, as part of the mixed evergreen forest and in most cases the species is common as a secondary species in many forest types. *Arbutus menziesii* is a fast growing evergreen hardwood, that can live for 500 years.

Wildlife: Madrone Woodlands are productive for wildlife. The annual berry provides an important food source for many species of birds and mammals. Numerous insects also feed on the leaves. The wildlife associated with Madrone Woodlands includes the following: deer, squirrels, mountain lion, coyote, striped skunk, bobcat, fox and numerous rodents. Reptiles in this habitat include: western fence lizard, alligator lizard, king snake, common gopher snake, and western rattlesnake. Amphibians include: salamanders, frogs, newts, and toads. Many of California's birds are associated with this habitat.

Forest Alliance Redwood Forest; *Sequoia sempervirens* is dominant or co-dominant in the tree canopy with *Abies grandis*, *Acer macrophyllum*, *Alnus rubra*, *Arbutus menziesii*, *Chrysolepis chrysophylla*, *Notholithocarpus densiflorus* var. *densiflorus*, *Pseudotsuga menziesii*, *Tsuga heterophylla*, and *Umbellularia californica*. Trees <120m tall; canopy is intermittent or continuous it may be two tiered. Shrubs are infrequent or common. Herbaceous layer is absent or abundant. Membership rules *Sequoia sempervirens* > 50% relative cover in the tree canopy, or > 30% relative cover with other conifers such as *Pseudotsuga menziesii* or with a lower tier of hardwood trees such as *Notholithocarpus densiflorus* var. *densiflorus*. *Sequoia sempervirens* occurs in moist coastal areas with heavy summer fog.

Wildlife: Redwood Woodlands support much of the same wildlife as the Oak and Madrone woodlands. The primary role of redwood trees is the cover and structure that they provide for wildlife particularly birdlife. As a food source they are limited. Numerous insects use the branches bark and leaves as habitat. The wildlife associated with Redwood Woodlands includes the following: deer, squirrels, mountain lion, coyote, striped skunk, bobcat, fox and numerous rodents. Reptiles in this habitat include: western fence lizard, alligator lizard, king snake, common gopher snake, and western rattlesnake. Amphibians include: salamanders, frogs, newts, and toads. Many of California's birds are associated with this habitat.

SHRUBLAND / CHAPARRAL ALLIANCES

Chaparral Alliance is a structurally homogeneous brushland type dominated by shrubs with thick, stiff, heavily cutinized evergreen leaves. Shrub height and crown cover vary considerably with age since last burn, precipitation regime aspect, and soil type. At maturity, the structure is typically is a dense, nearly impenetrable thicket with greater than 80 percent absolute shrub cover. Canopy height ranges from 1 to 4 m, occasionally to 6 m. Considerable leaf litter and standing dead material may accumulate in stands that have not burned for several decades. Due to the dense nature of the shrublands on the site, the understory is limited or lacking.

Shrublands (chaparral) on the property cover areas of shallow soils in the western, and north edges of portions of the property. The dominant plant species that define the chaparral habitat sub-type will be dependent on the soil substrate. The principal shrub constituents of Chaparral/Scrub are; chemise (*Adenostoma fasciculatum*), manzanita (*Arctostaphylos* spp.), sticky monkey flower (*Mimulus aurantiacus*), yerba-santa (*Eriodictyon californicum*) ceanothus (*Ceanothus* spp.), scrub oak (*Quercus berberidifolia*), poison oak (*Toxicodendron diversilobum*), California broom or coyote brush (*Baccharis pilularis*), rabbit brush (*Chrysothamnus parryi* ssp. *laticor*), manzanita (*Arctostaphylos glandulosa* ssp. *glandulosa*), chaparral pea (*Pickeringia montana*), California coffee berry (*Frangula californica* ssp. *californica*), toyon (*Heteromeles arbutifolia*) and pitcher sage (*Lepchinia calycina*).

This vegetation type has been divided by numerous authors into Mixed Chaparral/Scrub, , and Chamise Chaparral. Chaparral plants are usually found in areas with Mediterranean climate that have shallow-rocky, low-nutrient soils, steep slopes, and a high degree of solar exposure. Chaparral communities are usually found on south facing slopes or areas where water is not retained in the soil profile. This combination of physical factors results in xeric plants growing under stressed edaphic conditions. Chaparral is a vegetation type that is restricted to dry, exposed slopes and is typical for the ridges and slopes of the interior Coast Range Mountains of the County. Chaparral vegetation consists mainly of shrubs that are woody and with leaves adapted to xeric conditions (Holland and Kiel, 1986) that are typically small-waxy leaves. Periodic fires are characteristic of this community. Chaparral plant communities are adapted to fire, with cycles as frequent as 10 to 40 years between fires. In fact, most species require fire for seed germination and stump sprouting. Chaparral as a seral stage is threatened by the absence of a normal fire regime.

Shrubland Alliance Chamise Chaparral; *Adenostoma fasciculatum* is dominant in the shrub canopy with *Arctostaphylos glandulosa*, *A. manzanita*, *Ceanothus* spp., *Diplacus aurantiacus*, *Eriodictyon californicum*, *Eriogonum fasciculatum*, *Heteromeles arbutifolia*, *Quercus berberidifolia*, *Q. wislizeni*, and *Toxicodendron diversilobum*. Emergent trees may be present at low cover. Shrubs < 4 m; canopy is intermittent to continuous. Herbaceous layer is sparse to intermittent. Membership Rules *Adenostoma fasciculatum* >50% relative cover in the shrub canopy: codominance of *A. fasciculatum* with the following species *Arctostaphylos glandulosa* and *Ceanothus cuneatus*). This alliance occurs across cismontane California in a variety of

topographic settings. *Adenostoma fasciculatum* is a long-lived, shade intolerant shrub that grows to 3.5 m. Stands over 60 years old produce little new growth as dead stem biomass accumulates.

Wildlife diversity in chaparral is generally quite low. Animals that utilize this habitat include a variety of birds, reptiles, rodents and mammals. Habitat value is increased with factors such as: seed production, variety of nesting habitat. Native Americans recognized the value of this habitat was increased by setting periodic fires, which induced stump sprouting and young vegetation growth that favored browsing by large mammals.

RIPARIAN ZONE WOODLAND

Riparian Zone Woodland is found along Schoolhouse Creek and the unnamed tributary of Dry Creek on the east side of the property. Riparian vegetation is associated with streams and is a function or result of soils, location and hydrology. Riparian vegetation is primarily a result of the availability of water for growth and local herbivory. The width of riparian vegetation varies. Riparian vegetation is characterized by tree layer, shrub/vine layer and groundcover. The scale and scope of this habitat is limited in the county depending on location and there are great differences associated with location, soils, biotic factors and rain shadow. In the area the riparian tree cover is characterized by the presence of broadleaved, deciduous trees such as *Salix*, *Alnus*, *Quercus* and *Umbellularia*, which are found along the banks and floodplains of waterways. Common shrubs include *Toxicodendron diversilobum*, *Baccharis pilularis*, *Rubus armeniacus* and *Vitis californica*. The understory consists of torrent sedge, mule fat, and California polypody. Sawyer (2009) does not recognize Riparian Woodland as a separate Alliance but includes it as a component of woodland alliances. Sonoma County (Ordinance No. 60898) defines Riparian Vegetation: “Plant communities contiguous to and affected by surface and subsurface hydrologic features of water bodies (rivers, streams, lakes, or wetlands) that have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian vegetation is usually transitional between wetland and upland.” This is recognized as a Biotic Habitat Zone (BH) as part of the general plan. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

Wildlife: The riparian woodland vegetation cover provides habitat as well as food resources for local wildlife. The shade and water that is available in these areas make them popular with wildlife. Common wildlife associated with this habitat include amphibians such as the Pacific tree frog; birds such as downy woodpecker, yellow warbler, and yellow-breasted chat. The mammals are those of the oak woodlands and grasslands. As a habitat type it also functions as a corridor for access to the various communities along its route and upslope. The quality of riparian habitat is enhanced where there are multilayered tree structures and complex vegetation layering.

Significance and Function: Riparian Zones Woodlands are significant biologically for the diversity that they provide, the influence on the hydrologic cycle and aquatic ecosystems, for environmental stability derived, and their role as biofilters and soil conservation. Riparian Vegetation is by all standards considered sensitive. Riparian Vegetation functions to control water temperature, regulate nutrient supply (biofilters), bank stabilization, rate of runoff, wildlife habitat (shelter and food), release of allochthonous material, release of woody debris which functions as habitat and slow nutrient release, and protection for aquatic organisms. Riparian vegetation is also a moderator of water temperature has a cascade effect in that it relates to oxygen availability. The beneficial uses of areas in and along streams, included: provides food, water, breeding, egg deposition and nesting areas for fish, amphibians, reptiles, birds, insects, and mammals; providing protective cover, shade and woody debris to stream channels as habitat for coho salmon, steelhead, freshwater shrimp, and other protected and common aquatic-dependent species; providing movement opportunities, protective cover, and breeding, roosting, and resting habitat for terrestrial wildlife, filtering sediment and pollutants in runoff into streams; providing erosion protection for stream banks; and groundwater recharge.

GRASSLAND

Grasslands Semi-natural Grassland with Herbaceous Layer are limited on the property. They are found as isolated patches along roads, the edge of vineyard and in forest openings. Grasslands generally occur on deeper soils or in ruderal areas. Most of the grasslands are dominated by non-native Mediterranean annual grasses including wild oats (*Avena* spp.), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), hare barley (*Hordeum murinum*), dogtail grass (*Cynosurus echinatus*), and rattail fescue (*Festuca myuros*). Scattered individuals of native grasses occur in these areas including California fescue, creeping wildrye (*Leymus triticoides*), purple needlegrass (*Stipa pulchra*), one-sided Bluegrass (*Poa secunda*), and small fescue (*Festuca microstachys*). These do not occur in enough density to constitute native grassland. Native forbs associated with grasslands on the property include lupines (*Lupinus* spp.), California poppy (*Eschscholzia californica*), Blue-eyed grass (*Sisyrinchium bellum*), popcorn flower (*Plagiobothrys* spp.) and Blue dicks. Non-native forbs include hairy cats-ear (*Hypochaeris radicata*), cut-leaf filaree (*Erodium cicutarium*), bur-clover (*Medicago polymorpha*), English plantain (*Plantago lanceolata*), and rose clover (*Trifolium hirtum*). The large patches of grassland on the property correspond to wild oats grasslands (*Avena (barbata, and fatua)* Semi-Natural Herbaceous Stands) as described by Sawyer et al. (2009).

Semi-natural Grassland with Herbaceous Layer supports a flora that is a result of past agricultural uses and the introduction of non-native plants. These areas support a typical grass and herbaceous flora. The ruderal habitat of the property consists of native and naturalized exotic species that have been introduced and selected for over time. The dominant grasses are in the following genera: *Avena*, *Bromus*, *Elymus*, *Stipa*, and *Taeniantherum*. For a complete list of species observed in this plant habitat see Appendix A.

Semi-Natural Herbaceous Stands Annual Dogtail Grasslands: *Cynosurus echinatus* is dominant or co-dominant with other non-natives in the herbaceous layer. Emergent trees and

shrubs may be present. Herbs <50cm. cover is intermittent to continuous. Membership rules: *Cynosurus echinatus* >50% relative cover in the herbaceous layer. Annual Dogtail Grass is a non-native annual grass from Europe. Stands are present on exposed sites where annual precipitation or runoff is relatively low. *C. echinatus* is common in the understory of low-elevation hardwood and conifer woodlands in the Coast Ranges. Pure and mixed stands are common in the region. Native plants found in association include: *Bromus carinatus*, *Danthonia californica*, *Elymus glaucus*, *Escholzia californica*, *Hemizonia congesta*, *Lotus micanthus*, *Lupinus bicolor* and *Madia* ssp. Non-native plants include: *Aira caryophyllea*, *Avena* ssp., *Bromus hordeaceus*, *B. tectorum*, *Erodium* ssp., *Poa pratensis*, *Rumex acetosella*, *Festuca caput-medusae*, and *Taraxacum officinale*.

Wildlife Common wildlife in grasslands includes a variety of reptiles, such as western fence lizard, common garter snake, common gopher snake, and western rattlesnake. Common mammals include; black-tailed jackrabbit, California ground squirrel, pocket gopher, California vole, and coyote. Bats also use annual grasslands for feeding.

Birds that nest in annual grassland include; Western kingbird, Loggerhead shrike, and Western bluebird. Annual grassland also provides important foraging habitat for raptors including eagles, Northern harrier, American kestrel, White-tailed kite, Red-tailed hawk, Red-shouldered hawk and Owls.



Figure 1: View of typical of habitat within the Oak Woodland Alliance present on the property.



Figure 2. Oak woodland in the foreground and conifer woodland in the background.



Figure 3. Chaparral with conifer woodland in the background.



Figure 4. Conifer Oak Woodland.



Figure 5. Vineyard with Oak and Conifer woodlands in the background.

The flora and fauna observed during our study are presented in Appendix A.

C.2 Special-Status Species

Special-status species were considered from the following sources:

- The California Native Plant Society electronic inventory for the Quadrangle and Surrounding Quadrangles (Appendix B);
- U.S. Fish and Wildlife Service Listed Species for the Quadrangle; and
- The California Department of Fish and Wildlife California Natural Diversity Data Base for the Quadrangle of the property and adjacent Quadrangles and (map Plate II which shows the location of special-status species within five miles of the property);

ANIMALS

Plate II illustrates special-status animal species recorded in the CNDDDB known to be present within a five-mile radius of the property. The property also has potential for the presence of species listed by CDFW associated with the habitat present and or known from the surrounding Quadrangles or species listed by USFWS for the Quadrangle. The following special-status animals in the list below are known to be near the property or associated with the habitat on the property (see Appendix B for the status of each organism):

Burrowing Owl
California Freshwater Shrimp
California Coastal Steelhead
California Coastal Chinook Salmon
California Red-legged Frog
Coho Salmon
Foothill Yellow-legged Frog
Hoary Bat
Pallid Bat
Northern Spotted Owl
Sonoma Tree Vole
Townsend's Big-eared Bat
Western Red Bat
Western Pond Turtle
White-tailed Kite

PLANTS

Plate II illustrates special-status plant species recorded in the CNDDDB known to be present within a five-mile radius of the property. The property also has potential for the presence of species listed by CDFW associated with the habitat present and or known from the surrounding Quadrangles or species listed by USFWS for the Quadrangle. The following special-status plants in the list below are known to be near the property or associated with the habitat on the property (see Appendix B for the status of each organism):

Baker's Navarretia	Mt. St Helena Morning-glory
Brandegee's Eriastrum	Napa False Indigo
Cobb Mountain Lupine	Narrow-anthered Brodiaea
Colusa Layia	Pappose Tarplant
Dorr's Cabin Jewelflower	Pennell's Bird's-beak
Dwarf Downingia	Rioncon Ridge Ceanothus
Dwarf Soaproot	Rincon Ridge Manzanita
Fragrant Fritillary	Santa Cruz Clover
Franciscan Onion	Sebastopol Meadowfoam
Freed's Jewelflower	Serpentine Cryptantha
Geysers Panicum	Serpentine Daisy
Glandular Western Flax	Socrates Mine Jewelflower
Green's Narrow-leaved Daisy	Sonoma Canescent Manzanita
Hoffman's Bristly Jewelflower	Sonoma Sunshine
Holly-leaved Ceanothus,	The Cedars Fairy-lantern
Jepson's Leptosiphon	The Cedars Manzanita
Konocti Manzanita	Thin-lobed Horkelia
Marsh Microseris	White Seaside Tarplant
Long Beard Lichen	White-flowered Rein Orchid
Morrison's Jewelflower	

The following summarizes our findings related to special-status species:

- No special-status animal species were observed, seasonal studies may reveal additional species;
- There are no records of special-status animal species in the Department of Fish and Wildlife Natural Diversity database for the property;
- No special-status plant species were observed on or associated with the property, a full spring floristic survey could reveal special-status plant species; and
- There are no records of special-status plant species in the Department of Fish and Wildlife Natural Diversity Data Base for the property.

C.3 Open Space Qualities and Wildlife Resources

The primary open space considerations include the location of the property, the unfenced perimeter, diversity of vegetation types, watershed, viewshed and the position between the upland biological resources of the Coast Range Mountains and the adjacent Lake Sonoma.

Wildlife Corridors are natural areas interspersed with developed areas. They are important for animal movement, increasing genetic variation in plant and animal populations, reduction of population fluctuations, and retention of predators of agricultural pests and for movement of wildlife and plant populations. Wildlife corridors have been demonstrated to not only increase the range of vertebrates including avifauna between patches of habitat but also facilitate two key plant-animal interactions: pollination and seed dispersal. Corridors also provide ecosystem services such as preservation of watershed connectivity. Corridor users can be grouped into two types: passage species and corridor dwellers. The data from various studies indicate that corridors should be at least 100 feet wide to provide adequate movement for passage species and corridor dwellers in the landscape. Approximately 70% of the property is open-space undisturbed wildlife habitat.

Seasonal drainages with riparian vegetation on the property are wildlife corridors and habitats that are sensitive and will potentially be enhanced over time with the recognition of the parcels as Open Space Wildlife Habitat Areas.

The property offers potential for support, migration and dispersal of local wildlife species. The remoteness of adjoining parcels from human activities is critical for species that require large territories such as mountain lion and bear.

The habitat types and or plant communities with their interfacing “edges” support a wide array of fungi, lichens, mosses, liverworts, ferns, conifers and flowering plants and wildlife.

The Oak Woodlands provide foraging and nesting needs of local wildlife. The recognition and preservation of the non-farmed areas of the parcels as Open Space Wildlife Habitat Areas will offer replacement generations for the mature trees on the property. Native bunch grasses are surviving on the property, which is significant in light of the loss of these throughout California.

D. DISCUSSION AND CONCLUSIONS

California and local biotic resources are being lost as our population continues to expand. The loss or conversion of grasslands and woodlands has been occurring in the County and State at an accelerated rate. The proposed amendment will preserve an area that is near the developed landscape of Dry Creek Valley and Lake Sonoma yet associated with vast open space elements of the Coast Range Mountains. The recognition as an Open Space Wildlife Habitat Area will allow significant value and service as a wildlife and botanical corridor connecting local biological resources as well as functioning as watershed and viewshed. The property is a rich mosaic of habitat types including; Chaparral, Oak Woodland, Conifer Woodland, which have all been severely impacted and lost in the region. The size and connectivity of the site to adjacent open space offers the highest potential for the sustainable support of a rich diversity of wildlife.

Our fieldwork found:

- Approximately 85% of the property is open-space undisturbed natural habitat;
- The parcels perimeters are unfenced. Only the vineyard blocks are deer fenced leaving open space corridors through and around the agricultural elements.
- The parcels contain significant wildlife habitat allowing movement through and within the property;
- The parcels are within the watershed of the Russian River and provide connectivity from upland Coast Range Mountain habitat and its wildlife and vegetation resources to the aquatic resources of the Lake Sonoma;
- The plant communities/associations or habitat types present on the undeveloped land of the parcels would be termed: Forest or Woodland Alliances (Foothill Oak Woodland and Conifer Woodlands), Shrubland/Chaparral Alliance (Chamise Chaparral), Grassland (Semi-natural Grassland with Herbaceous Layer and Riparian Woodland).

Ecological Functions:

- The proposed Open Space Preserve Wildlife Habitat Area (Corridors) are within the watershed of Dry Creek and the Russian River. As a watershed it functions to: maintain surface water quality through filtration and decomposition of pollutants, recharge of groundwater resources, maintain water quality through silt retention and by filtering out sediment and nutrients from run-off, the prevention of flooding and minimization of channel erosion by slowing surface runoff.
- The diversity of habitat types on the parcels and extensive edge effects offers a high quality environment for the support of and survival of local wildlife and plant species.
- The connectivity of the property to adjoining habitat provides access for biological resources allowing genetic dispersal of wildlife as well as botanical gene flow.

Ecosystem Services of Proposed Open Space Wildlife Habitat Area:

In summary the potential “Ecosystem Services” of the proposed Open Space Wildlife Habitat Area include:

- Corridor for biological access to diverse essential ecosystem resources allowing seasonal movement and gene flow;
- Breeding and foraging habitat for local and migratory wildlife and avifauna;
- Preservation of diverse plant alliances and natural biota;
- Preservation of biological diversity;
- Protection of and preservation of portions of the watershed;
- Carbon sequestration;
- Improve air quality;
- Alter microclimate;
- Natural areas for nutrient recycling (decomposition) by bacteria and fungi that will support terrestrial and aquatic resources on site and off site;
- Soil development and retention;
- Ground water recharge of aquifers; and
- Retention of viewshed.

Conclusions

Establishing a Williamson Act Contract on this property offers a high level of sustainable support of regional biotic resources. The acceptance will preserve essential wildlife habitat and corridor access that will sustainably support local and regional botanical and wildlife resources.

E. LITERATURE CITED / REFERENCES

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E.2 Qualifications of Field Investigators

Chris K. Kjeldsen, Ph.D., Botany, Oregon State University, Corvallis, Oregon. He has over forty years of professional experience in the study of California flora. He was a member of the Sonoma County Planning Commission and Board of Zoning (1972 to 1976). He has over thirty years of experience in managing and conducting environmental projects involving impact assessment and preparation of compliance documents, Biological Assessments, CDFW Habitat Assessments, CDFW Mitigation projects, ACOE Mitigation projects and State Parks and Recreation Biological Resource Studies. Experience includes conducting special-status species surveys, jurisdictional wetland delineations, general biological surveys, 404 and 1600 permitting, and consulting on various projects. He taught Plant Taxonomy at Oregon State University and numerous botanical science and aquatic botany courses at Sonoma State University including sections on wetlands and wetland delineation techniques. He has supervised numerous graduate theses, NSF, DOE and local agency grants and served as a university administrator. He has a valid CDFW collecting permit.

Daniel T. Kjeldsen, B. S., Natural Resource Management, California Polytechnic State University, San Luis Obispo, California. He spent 1994 to 1996 in the Peace Corps managing natural resources in Honduras, Central America. His work for the Peace Corps in Central America focused on watershed inventory, mapping and the development and implementation of a protection plan. He has over ten years of experience in conducting Biological Assessments, CDFW Habitat Assessments, ACOE wetland delineations, wetland rehabilitation, and development of and implementation of mitigation projects and mitigation monitoring. He has received 3.2 continuing education units MCLE 27 hours in Determining Federal Wetlands Jurisdiction from the University of California Berkeley Extension. Attended Wildlife Society Workshop Falconiformes of Northern California Natural History and Management California Tiger Salamander 2003, Natural History and Management of Bats Symposium 2005, Western Pond Turtle Workshop 2007, and Western Section Bat Workshop 2011. Laguna Foundation & The Wildlife Project Rare Pond Species Survey Techniques 2009. A full resume is available upon request.

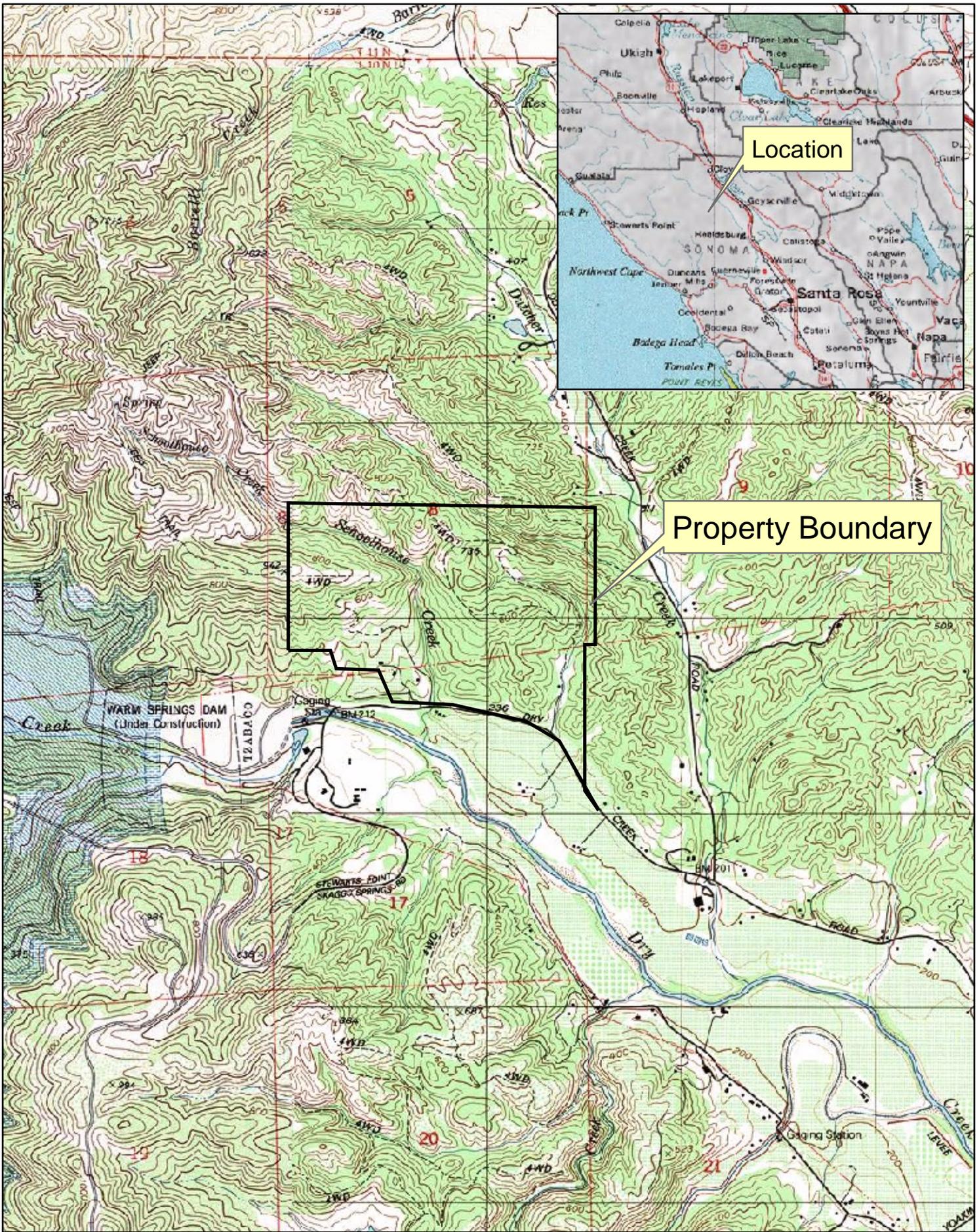
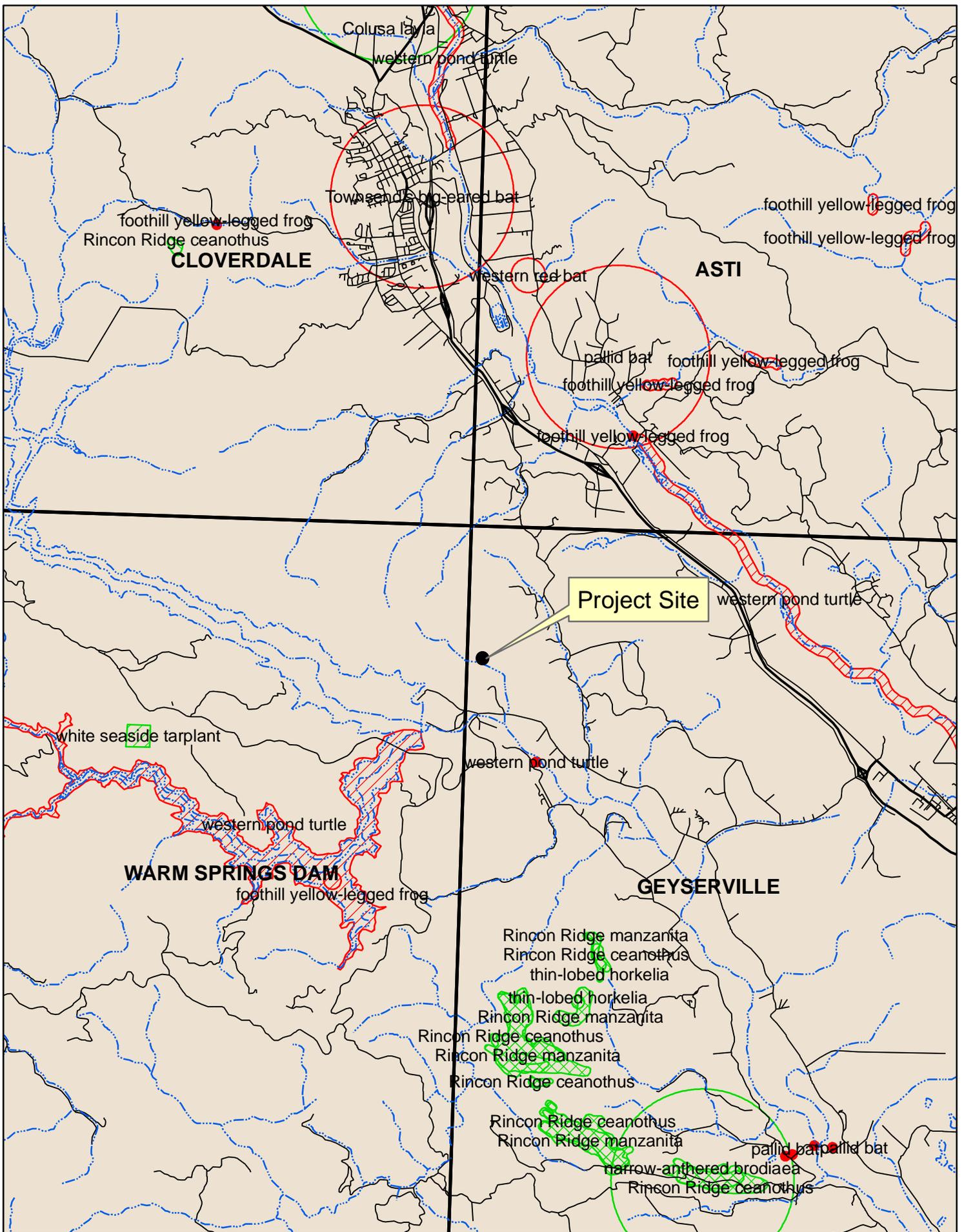


Plate I. Site / Location Map

(Geyserville Quadrangle)





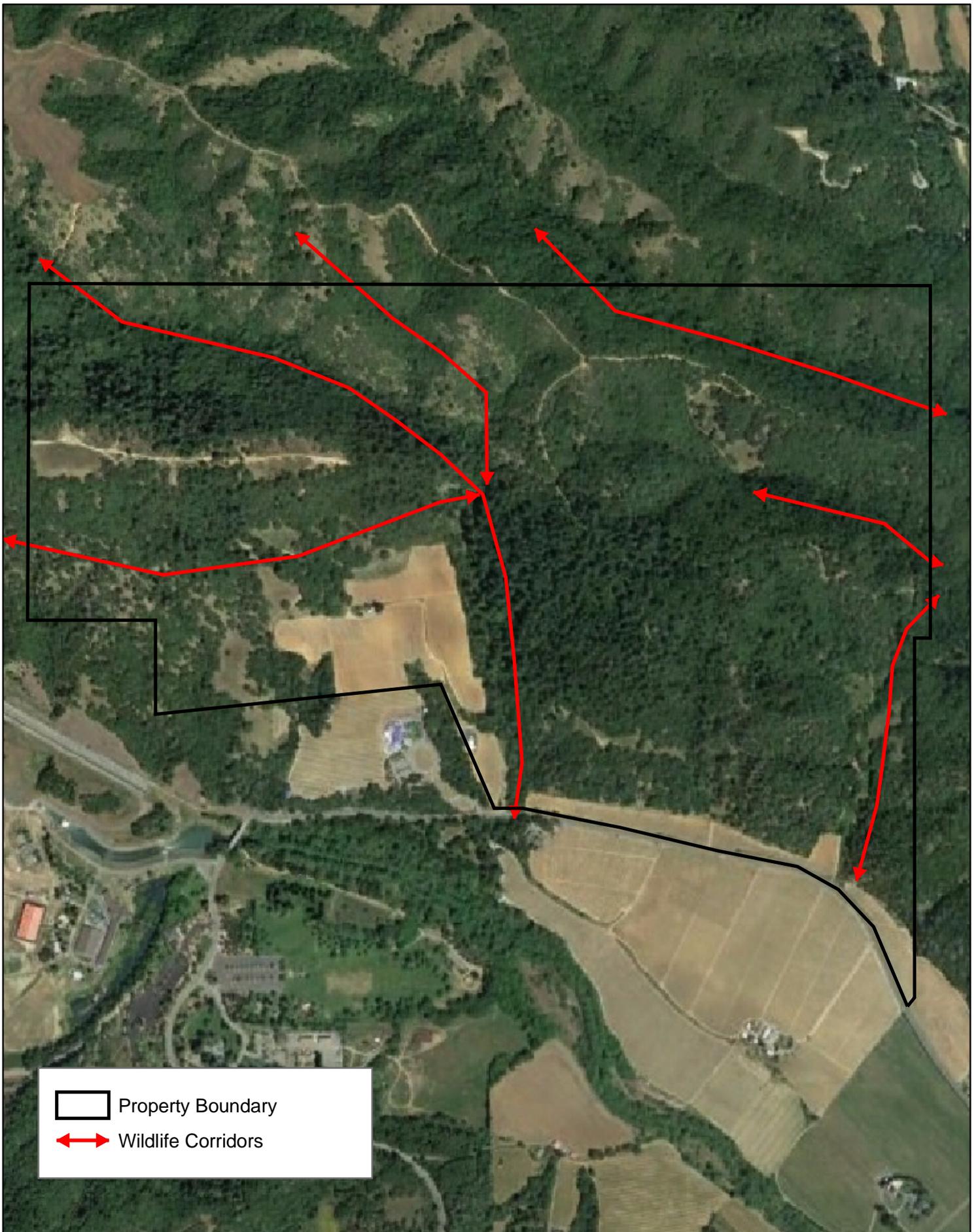


Plate III. Aerial Photo / Wildlife Corridors

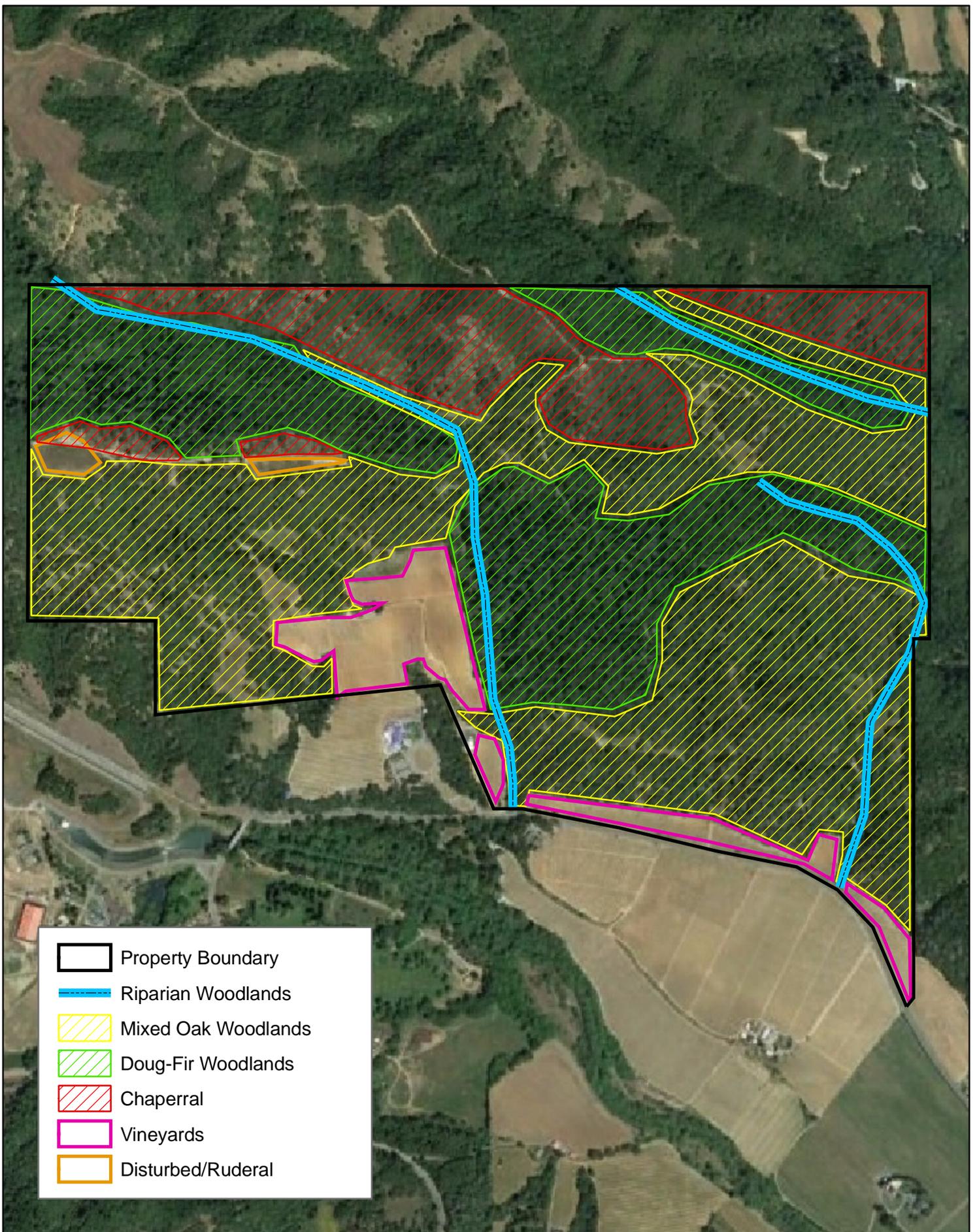


Plate IV. General Wildlife Habitat Types

APPENDIX A.

Flora and Fauna Observed

Plants Observed on or in the immediate vicinity of the Property

The nomenclature for the list of plants found on the project study areas and the immediate vicinity follows: Brodo, Irwin M., Sylvia Duran Sharnoff and Stephen Sharnoff, 2001, for the lichens; G. M. Smith -1956, for the algae; Arora -1985, for the fungi; S. Norris and Shevrock - 2004, for the mosses; and Baldwin, B.G., D.H. Goldman, D.J.Keil, R.Patterson, T.J.Rosati, and D.H.Wilkens, editors, 2012 - for the vascular plants.

Habitat Type indicates the general associated occurrence of the taxon on the project site or in nature. **Abundance** refers to the relative number of individuals on the project site or in the region.

MAJOR PLANT GROUP

Family

Genus

Habitat Type

Abundance

Common Name

NCN = No Common Name, * = Non-native, @= Voucher Specimen

FUNGI

Basidiomycota- Club Fungi

AMANITACEAE

Amanita calyptroderma (=A.calyptrata) Mixed Woodland, Mycorrhiza Common

Coccora

Amanita vernicoccora Woodlands, Mycorrhizal on Oaks Occasional

Spring Coccora

COPRINACEAE

Psathyrella longipes Woodlands on Litter Occasional

NCN

POLYPORACEAE

Daedalea berkeleyi Woodlands on Dead Wood Common

Maze Conifer Polypore

Ganoderma applanatum On Conifers or Hardwoods Common

Artist's Conk

Laetiporus conifericola (L. sulphureus) On Living or Dead Conifers Common

Sulfur Shelf; Chicken of the Woods

Phaeolus schweinitzii Woodlands Parasite of D Fir Common

Dyer's Polypore

Phellinus gilvus On Hardwoods Common

Hardwood Conk

Schizophyllum commune Woodlands on Dead Wood Common

Split-gill

MAJOR PLANT GROUP**Family**

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

<i>Trametes versicolor</i>	Woodlands on Dead Hardwood	Common
Turkey Tail		
<i>Trametes hirsuta</i>	Woodlands on Dead Wood	Common
Hairy Turkey Tail		
RUSSULACEAE		
<i>Lactarius palleescens</i>	Coastal Mixed Woodlands	Common
Milk Cap		
<i>Russula cremoricolor</i> (=silvicola= <i>R. emetica</i>)	Woodlands	Common
Emetic Russula		
<i>Russula rosacea</i>	Woodlands	Occasional
Rosy Russula		
TRICHOLOMATACEAE		
<i>Armillariella mella</i>	Woodlands	Occasional
Honey Mushroom		
<i>Lyophyllum decastes</i>	Woodlands or Ruderal	Common
Fried Chicken Mushroom		

FUNGI**Ascomycota - Sac Fungi**

HELVELLACEAE

<i>Helvella lacunosa</i>	Woodlands	Occasional
Fluted Black Elfin Saddle		

MOSSES

MINACEAE

<i>Alsia californica</i> (W.J.Hooker&Arnott) Sullivant	Coastal Forests On Trees	Common
NCN		
<i>Dendroalsia abietina</i> (Hook.) Brit.	Woodlands	Common
NCN		
<i>Homalothecium nuttallii</i> (Wilson) Jaeger	Epiphytic on Trees Near Coast-Inland	Common
NCN		
<i>Orthotrichum lyellii</i> Hook & Tayl.	Woodlands, Upper Canopy	Common
NCN		
<i>Scleropodium touretii</i> (Brid.) L Koch.	Woodlands	Common
NCN		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
	Common Name		

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LICHENS

FOLIOSE

<i>Cetraria californica</i> Tuck. non G. Merr	On Pine Branches Coastal	Occasional
NCN (= <i>Karenfeltia californica</i>)		
<i>Cetraria orbata</i> (Nyl.) Fink	On Limbs Usually Conifers	Occasional
NCN (= <i>Tuckermannopsis orbata</i>)		
<i>Cetraria platyphylla</i> Tuck.	On Tree Limbs Conifer Forests	Occasional
NCN		
<i>Flavoparmelia caperata</i> (L.) Hale	On Oaks	Common
NCN		
<i>Flavopunctilia flaventor</i> (Stirt.) Hale	On Oaks	Common
NCN		
<i>Hypogymnia imshaugii</i> Krog	On Conifers, Oaks	Common
NCN		
<i>Hypogymnia tubulosa</i> (Schaer.) Hav.	On Oaks, Conifers	Common
NCN		
<i>Parmelia sulcata</i> Taylor	On Oaks	Common
NCN		
<i>Physcia tenella</i> (Scop.) DC.	On Oaks	Common
NCN		
<i>Physconia americana</i> Essl.	On Oak Limbs	Common
Fancy Frost Lichen		
<i>Pseudocyphellaria anomola</i> Brodo & Ahti	On Oaks	Common
NCN		
<i>Pseudocyphellaria anthraspis</i> (Ach.) H. Magn.	On Oaks	Common
NCN		
<i>Xanthoria polycarpa</i> (Hoffm.) Rieber	On Oaks Young Twigs	Common
Pin-cushion Sunburst Lichen		

GELATINOUS

<i>Leptochidium albociliatum</i> (Desm.) M. Choisy	On Oaks	Common
NCN		
<i>Leptogium palmatum</i> (Huds.) Mont.	On Soil or Rocks With Moss	Common
Jelly Horn Lichen (= <i>Leptogium corniculatum</i>)		

FRUTICOSE

<i>Alectoria vancouverensis</i> (Gyeln.) Gyeln. ex Brodo & D. Hawksw.	On Tree Limbs	Common
NCN		
<i>Cladonia chlorophaea</i> (Flörke ex Sommerf.) Spreng.	On Soil	Occasional
Mealy Powderhorn		

MAJOR PLANT GROUP

Family

Genus Common Name	Habitat Type	Abundance
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<i>Evernia prunastri</i> (L.) Ach. NCN	On Oaks	Common
<i>Ramalina farinacea</i> (L.) Ach. NCN	On Oaks	Common
@ <i>Ramalina menziesii</i> Taylor non Tuck. Lace Lichen, Old Man's Beard	On Oaks	Common
@ <i>Usnea cavernosa</i> Tuck. NCN	On Oaks	Common
<i>Usnea intermedia</i> = <i>U. arizonica</i> NCN	On Oaks	Common
@ <i>Usnea subfloridana</i> Stirt. NCN	On Oaks	Common

CRUSTOSE

<i>Ochrolechia orgonensis</i> H. Magn. NCN	On Bark	Common
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VASCULAR PLANTS FERNS

DENNSTAEDTIACEAE

<i>Pteridium aquilinum</i> (L.) var. <i>pubescens</i> Underw. Bracken Fern	Grasslands or Woodlands	Common
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DRYOPTERIDACEAE

<i>Polystichum munitum</i> (Kaulf.) C Presl Sword Fern	Redwood or Riparian	Common
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PTERIDACEAE

<i>Adiantum jordanii</i> C. Mueller Hal. Calironia Maidenhair Fern	Canyons and Shadey Slopes	Common
<i>Pentagramma triangularis</i> (Kaulf.) G. Yatsk. subsp. <i>triangularis</i> Goldback Fern	Woodlands	Common

VASCULAR PLANTS DIVISION CONIFEROPHYTA--GYMNOSPERMS

PINACEAE

<i>Pinus sabiniana</i> Douglas Gray or Foothill Pine	Dry Ridges	Occasional
<i>Pseudotsuga menziesii</i> (Vassey) Mayr var. <i>menziesii</i> Douglas-fir	Woodlands	Common

TAXODIACEAE

<i>Sequoia sempervirens</i> (D. Don) Endl. Redwood	Coastal Forests	Common
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MAJOR PLANT GROUP

Family

Genus	Habitat Type	Abundance
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Common Name

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VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE- TREES

MAGNOLIIDS

LAURACEAE

Umbellularia californica (Hook.&Arn.) Nutt. Conifer&Oak Woodlands Occasional
California Laurel, Sweet Bay, Pepperwood, California Bay

EUDICOTS

ERICACEAE Heath Family

Arbutus menziesii Pursh Woodlands Common
Madrone

FAGACEAE Oak Family

Quercus agrifolia Nee Woodlands Common
Live Oak

Quercus chrysolepis Liebm. Woodlands Common
Canyon Live Oak, Maul

Quercus kelloggii Newb. Woodlands Common
Black Oak

Quercus kelloggii Newb. Hybrid *Q. kelloggii* x *Q. agrifolia* Occasional
Black Oak

Quercus lobata Nee. Valley Grasslands Common
Valley Oak

Quercus parvula E. Green var. *shrevei* Woodlands Common
Shreve Oak

OLEACEAE Olive Family

**Olea europaea* L. Domestic Ruderal Occasional
Olive

SAPINDACEAE Soapberry Family

Aesculus californica (Spach) Nutt. Woodlands, Riparian Common
California Buckeye

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE-SHRUBS AND WOODY VINES

EUDICOTS

ANACARDIACEAE Sumac Family

Toxicodendron diversilobum (Torry&Gray) E.Green Woodlands Common
Poison Oak

ARALIACEAE Ginseng Family

**Hedra helix* L. Ruderal Occasional
English Ivy

<u>MAJOR PLANT GROUP</u>		
Family		
Genus	Habitat Type	Abundance

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<i>Baccharis pilularis</i> deCandolle	Woodlands, Grasslands	Common
Coyote Brush		
BORAGINACEAE Borage or Waterleaf Family		
<i>Eriodictyon californicum</i> (Hook.&Arn.) Torr.	Chaparral	Common
Yerba Santa		
CACTACEAE Cactus Family		
* <i>Opuntia ficus-indica</i> (L.) Miller	Escape	Common
Mission Prickly-Pear, Indian-Fig Burbank's Spineless Prickly Pear		
CAPRIFOLIACEAE Honeysuckle Family		
<i>Symphoricarpos mollis</i> Nuttall	Woodlands	Common
Creeping Snowberry, Trip Vine		
ERICACEAE Heath Family		
<i>Arctostaphylos glandulosa</i> ssp. <i>glandulosa</i>	Chaparral-Near Coast	Common
Eastwood Manzanita-Glaucous Leaf		
<i>Arctostaphylos manzanita</i> Parry ssp. <i>manzanita</i>	Woodlands	Common
Common Manzanita		
FABACEAE (Leguminosae) Legume Family		
<i>Acmispon glabor</i> (Vogel) Bouillet	Grasslands, Chaparral	Common
Deerweed, California Broom (= <i>Lotus scoparius</i>)		
* <i>Genista monspessulana</i> (L.) Johnson	Woodlands	Common
Broom, French Broom		
<i>Pickeringia montana</i> Nutt.	Chaparral	Common
Chaparral Pea		
FAGACEAE Oak Family		
<i>Quercus berberidifolia</i> Liebm.	Chaparral	Common
California Scrub Oak		
PHRYMACEAE Lopseed Family		
<i>Mimulus aurantiacus</i> Curtis	Woodlands	Occasional
Bush Monkey Flower		
RHAMNACEAE Buckthorn Family		
<i>Ceanothus foliosus</i> Parry var. <i>foliosus</i>	Chaparral	Common
Wavyleaf Ceanothus		
ROSACEAE Rose Family		
<i>Adenostoma fasciculatum</i> Hooker&Arn.	Shrub/Scrub	Common
Chamise		
<i>Heteromeles arbutifolia</i> (Lind.) M. Rome.	Shrub/Scrub	Common
Christmas Berry, Toyon		
<i>Rosa gymnocarpa</i> Nuttall.	Woodlands	Occasional
Wood Rose		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
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Common Name

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* <i>Rubus armeniacus</i> Focke Himalayan Blackberry	Ruderal	Common
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VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE-HERBS

EUDICOTS

APIACEAE (Umbelliferae) Carrot Family

<i>Lomatium uticulatum</i> (Torr.&A.Grey)J.M.Coult.&Rose Bladder Parsnip, Foothill Lomatium, Spring Gold	Grassland	Common
<i>Sanicula crassicaulis</i> DC. Pacific Sanicle	Woodlands	Common
* <i>Torilis arvensis</i> (Huds.) Link Hedge-parsley	Grasslands Woodlands	Common

ASTERACEAE (Compositae) Sunflower Family

* <i>Calendula arvensis</i> L. Field Marigold	Ruderal	Occasional
* <i>Carduus pycnocephalus</i> L.subsp. <i>pycnocephalus</i> Italian Thistle	Woodlands	Common
* <i>Cirsium vulgare</i> (Savi) Ten. Bull Thistle	Grasslands, Ruderal	Common
* <i>Helminthotheca echioides</i> (L.) Holub Ox-tongue (= <i>Picris echioides</i>)	Ruderal	Common
<i>Hieracium albiflorum</i> Hook. White-flowered Hawkweed	Woodlands, Grasslands	Occasional
* <i>Hypochaeris glabra</i> L. Cat's Ear	Ruderal	Common
* <i>Hypochaeris radicata</i> L. Harry Cat's Ear	Ruderal	Common
* <i>Lactuca serriola</i> L. Prickly Lettuce	Ruderal	Occasional
* <i>Logifa gallica</i> (L.) Cros&Germ Herba Impa, Daggerleaf Cottonrose (= <i>Filago gallica</i>)	Ruderal Grasslands	Common
* <i>Pseudognaphalium luteoalbum</i> (L.) Hill.&Burt White Cudweed (= <i>Gnaphalium luteo-album</i>)	Ruderal	Common
* <i>Senecio vulgaris</i> L. NCN	Ruderal	Occasional
* <i>Taraxacum officinale</i> F.H.Wigg Dandelion	Ruderal	Common

<u>MAJOR PLANT GROUP</u>

Family

Genus	Habitat Type	Abundance
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Common Name

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<i>Wyethia glabra</i> A.Gray	Edge of Woodlands	Common
Coast Mules Ears		
BORAGINACEAE Borage or Waterleaf Family		
<i>Cyanoglossum grande</i> Lehm.	Woodlands	Common
Hound's Tongue		
BRASSICACEAE Mustard Family		
* <i>Brassica nigra</i> (L.) Koch	Ruderal	Common
Black Mustard		
* <i>Brassica rapa</i> L.	Grasslands, Ruderal	Common
Field Mustard		
<i>Cardamine californica</i> (Nutt.)	Green Woodlands	Common
Milk Maids, Tooth Wort (= <i>Dentaria</i>)		
<i>Cardamine oligosperma</i> Nutt.	Ruderal	Common
Bitter-cress		
* <i>Lepidium nitidum</i> Nutt.	Ruderal	Common
Pepper-grass		
* <i>Raphanus sativus</i> L.	Ruderal	Common
Wild Radish		
CARYOPHYLLACEAE Pink Family		
* <i>Cerastium arvense</i> L. subsp. <i>strictum</i>	Ruderal	Common
Field Mouse-ear Chickweed Spury, Stickey Sand-Spury		
* <i>Stellaria media</i> (L.) Vill.	Ruderal	Common
Chickweed		
EUPHORBIACEAE Spurge Family		
<i>Croton setigerus</i> Hook.	Ruderal	Common
Turkey Mullein, Dove Weed (= <i>Eremocarpus setigerus</i>)		
FABACEAE (Leguminosae) Legume Family		
<i>Lathyrus vestitus</i> Nutt. var. <i>vestitus</i>	Woodlands	Occasional
Hillside Pea		
* <i>Medicago arabica</i> (L.) Huds	Ruderal	Common
Spotted Bur Clover		
* <i>Vicia sativa</i> L. subsp. <i>nigra</i>	Grasslands, Ruderal	Common
Narrow Leaved-vetch		
GERANIACEAE Geranium Family		
* <i>Erodium botrys</i> (Cav.) Bertol.	Grasslands	Common
Broadleaf Filaree, Long-beaked Filaree		
* <i>Geranium molle</i> L.	Grasslands	Common
Dove's Foot Geranium		

<u>MAJOR PLANT GROUP</u>

Family		
Genus	Habitat Type	Abundance

Common Name

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HYPERICACEAE St John's Wort Family

**Hypericum perforatum* L. subsp. *perforatum* Ruderal/Grasslands Occasional
Klamath Weed

LAMIACEAE (Labiatae) Mint Family

Stachys ajugoides Benth. Moist Open Places Occasional
Hedge-nettle

MALVACEAE Mallow Family

**Malva parviflora* L. Ruderal Common
Cheeseweed, Mallow

ONAGRACEAE Evening-primrose Family

Epilobium ciliatum Raf. Subsp. *ciliatum* Ruderal Common
Northern Willow Herb

OROBANCHACEAE Broomrape Family

Pedicularis densiflora Hook. Woodlands, Chaparral Common
Indian Warrior

PLANTAGINACEAE Plantain Family

**Plantago lanceolata* L. Ruderal Common
English Plantain

POLYGONACEAE Buckwheat Family

**Polygonum agyrocoleon* Kunze Ruderal Occasional
Persian Wireweed

**Rumex acetosella* L. Ruderal Common
Sheep Sorrel

**Rumex crispus* L. Ruderal Common
Curly Dock

PRIMULACEAE Primrose Family

Dodecatheon hendersonii A. Gray Woodlands Common
Shooting Star, Mosquito Bills

RANUNCULACEAE Buttercup Family

Ranunculus californicus Benth. Grasslands, Woodlands Common
Buttercup

RUBIACEAE Madder Family

Galium aparine L. Woodlands, Riparian, Ruderal Common
Goose Grass

**Galium parisiense* Grasslands, Woodlands Common
Wall Bedstraw

MAJOR PLANT GROUP

Family

Genus	Habitat Type	Abundance
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Common Name

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CLASS--MONOCOTYLEDONAE-GRASSES

POACEAE Grass Family

* <i>Avena barbata</i> Link. Slender Wild Oat	Grasslands	Common
* <i>Cynosurus echinatus</i> L. Hedgehog, Dogtail	Ruderal	Common
<i>Elymus glaucus</i> Buckley ssp. <i>glaucus</i> Blue Wildrye	Woodlands	Common
* <i>Festuca bromoides</i> L. Six-weeks Fescue (= <i>Vulpia bromoides</i>)	Ruderal, Moist Flats become Dry	Common
<i>Festuca occidentalis</i> Hook. Western Fescue	Open Forests, Woodlands	Occasional
* <i>Phalaris aquatica</i> L. Harding Grass	Grasslands	Common

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--MONOCOTYLEDONAE-SEDGES AND RUSHES

JUNCACEAE

<i>Luzula comosa</i> Mey var. <i>comosa</i> Wood Rush	Grasslands, Woodlands	Common
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VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--MONOCOTYLEDONAE-HERBS

AGAVACEAE Century Plant Family

<i>Chlorogalum pomeridianum</i> (DC.) Kunth var. <i>pomeridianum</i> Soap Plant	Woodlands, Grasslands	
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IRIDACEAE Iris Family

<i>Iris douglasiana</i> Herb. Iris	Open Grassland, Meadows	Common
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MELANTHIACEAE False-hellebore Family

@ <i>Toxicoscordion fremontii</i> (Torr) Rydb. Star Lily (= <i>Zigadenus</i>)	Grassy or Wooded Slopes Outcrops	Occasional
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Fauna Species Observed in the Vicinity of the Project Site

The nomenclature for the animals found on the project site and in the immediate vicinity follows: Mc Ginnis –1984, for the fresh water fishes; Stebbins -1985, for the reptiles and amphibians; and Udvardy and Farrand – 1998, for the birds; and Jameson and Peeters -1988 for the mammals.

AMPHIBIA AND REPTILIA

ORDER

Common Name	Genus	Observed
ANURA		
Western Toad	<i>Bufo boreas</i>	Polywogs

MAMMALS

ORDER

Common Name	Genus	Observed
ARTIODACTYLA		
Feral Pig/Wild Boar	<i>Sus scrofa</i>	Workings
CARNIVORA		
Coyote	<i>Canis latrans</i>	Scat
Gray Fox	<i>Urocyon cinereoargenteus</i>	Scat
Raccoon	<i>Procyon lotor</i>	Tracks
CERVIDAE		
Black-tailed Deer	<i>Odocoileus hemionus</i>	Scat Track
INSECTIVORA		
Broad-footed Mole	<i>Scapanus latimanus</i>	Workings
MARSUPIALIA		
Virginia Opossum	<i>Didelphis virginiana</i>	Scat
RODENTIA		
Pocket Gopher	<i>Thomomys bottae</i>	Workings
Dusky-footed Wood Rat	<i>Neotoma fuscipes</i>	Den

APPENDIX B.

**California Native Plant Society Inventory of Special-Status
Plants for the Quadrangle and Surrounding Quadrangles**

U.S. Fish and Wildlife Service Listed Species for the Quadrangle

**California Department of Fish and Wildlife Rare Find 5 Species
list for the Quadrangle and Surrounding Quadrangles for
Habitat found on the project site**



Inventory of Rare and Endangered Plants - 7th edition interface

v7-15feb 2-5-15

Status: search results - Fri, Feb. 13, 2015 17:33 ET c

Your Quad Selection: **Geyserville (518B)** 3812268, Asti (534C) 3812278, The Geysers (534D) 3812277, Warm Springs Dam (519A) 3812361, Cazadero (519D) 3812351, Cloverdale (535D) 3812371, Jimtown (518A) 3812267, Guerneville (518C) 3812258, Healdsburg (518D) 3812257

scientific			
<u>Allium peninsulare</u> var. <u>franciscanum</u>	Franciscan onion	Alliaceae	List 1B.2
<u>Amorpha californica</u> var. <u>napensis</u>	Napa false indigo	Fabaceae	List 1B.2
<u>Arctostaphylos bakeri</u> ssp. <u>bakeri</u>	Baker's manzanita	Ericaceae	List 1B.1
<u>Arctostaphylos bakeri</u> ssp. <u>sublaevis</u>	The Cedars manzanita	Ericaceae	List 1B.2
<u>Arctostaphylos manzanita</u> ssp. <u>elegans</u>	Konocti manzanita	Ericaceae	List 1B.3
<u>Arctostaphylos stanfordiana</u> ssp. <u>decumbens</u>	Rincon Ridge manzanita	Ericaceae	List 1B.1
<u>Blennosperma bakeri</u>	Sonoma sunshine	Asteraceae	List 1B.1
<u>Brodiaea leptandra</u>	narrow-anthered brodiaea	Themidaceae	List 1B.2
<u>Calochortus raichei</u>	The Cedars fairy-lantern	Liliaceae	List 1B.2
<u>Calystegia collina</u> ssp. <u>tridactylosa</u>	three-fingered morning- glory	Convolvulaceae	List 1B.2
<u>Campanula californica</u>	swamp harebell	Campanulaceae	List 1B.2
<u>Cardamine pachystigma</u> var.	dissected-leaved toothwort	Brassicaceae	List 1B.2

<u>dissectifolia</u> 📷			
<u>Carex comosa</u> 📷	bristly sedge	Cyperaceae	List 2B.1
<u>Ceanothus confusus</u> 📷	Rincon Ridge ceanothus	Rhamnaceae	List 1B.1
<u>Ceanothus purpureus</u> 📷	holly-leaved ceanothus	Rhamnaceae	List 1B.2
<u>Centromadia parryi</u> ssp. <u>parryi</u> 📷	pappose tarplant	Asteraceae	List 1B.2
<u>Chlorogalum pomeridianum</u> var. <u>minus</u> 📷	dwarf soaproot	Agavaceae	List 1B.2
<u>Cordylanthus tenuis</u> ssp. <u>capillaris</u> 📷	Pennell's bird's-beak	Orobanchaceae	List 1B.2
<u>Cryptantha dissita</u>	serpentine cryptantha	Boraginaceae	List 1B.2
<u>Downingia pusilla</u> 📷	dwarf downingia	Campanulaceae	List 2B.2
<u>Eriastrum brandegeae</u> 📷	Brandegee's eriastrum	Polemoniaceae	List 1B.1
<u>Erigeron greenei</u>	Greene's narrow-leaved daisy	Asteraceae	List 1B.2
<u>Erigeron serpentinus</u>	serpentine daisy	Asteraceae	List 1B.3
<u>Eriogonum cedrorum</u>	The Cedars buckwheat	Polygonaceae	List 1B.3
<u>Eriogonum nervulosum</u> 📷	Snow Mountain buckwheat	Polygonaceae	List 1B.2
<u>Fritillaria liliacea</u> 📷	fragrant fritillary	Liliaceae	List 1B.2
<u>Hemizonia congesta</u> ssp. <u>congesta</u> 📷	congested-headed hayfield tarplant	Asteraceae	List 1B.2

<u>Hesperolinon adenophyllum</u> 📷	glandular western flax	Linaceae	List 1B.2
<u>Horkelia tenuiloba</u> 📷	thin-lobed horkelia	Rosaceae	List 1B.2
<u>Lasthenia burkei</u> 📷	Burke's goldfields	Asteraceae	List 1B.1
<u>Layia septentrionalis</u> 📷	Colusa layia	Asteraceae	List 1B.2
<u>Leptosiphon jepsonii</u> 📷	Jepson's leptosiphon	Polemoniaceae	List 1B.2
<u>Lessingia arachnoidea</u> 📷	Crystal Springs lessingia	Asteraceae	List 1B.2
<u>Limnanthes vinculans</u> 📷	Sebastopol meadowfoam	Limnanthaceae	List 1B.1
<u>Lupinus sericatus</u> 📷	Cobb Mountain lupine	Fabaceae	List 1B.2
<u>Micropus amphibolus</u> 📷	Mt. Diablo cottonweed	Asteraceae	List 3.2
<u>Microseris paludosa</u> 📷	marsh microseris	Asteraceae	List 1B.2
<u>Navarretia leucocephala</u> ssp. <u>bakeri</u> 📷	Baker's navarretia	Polemoniaceae	List 1B.1
<u>Navarretia leucocephala</u> ssp. <u>pauciflora</u> 📷	few-flowered navarretia	Polemoniaceae	List 1B.1
<u>Navarretia leucocephala</u> ssp. <u>plieantha</u> 📷	many-flowered navarretia	Polemoniaceae	List 1B.2
<u>Panicum acuminatum</u> var. <u>thermale</u>	Geysers panicum	Poaceae	List 1B.2
<u>Piperia candida</u> 📷	white-flowered rein orchid	Orchidaceae	List 1B.2
<u>Sidalcea malviflora</u> ssp.	purple-stemmed	Malvaceae	List

<u>purpurea</u> 📷	checkerbloom		1B.2
<u>Sidalcea oregana</u> ssp. <u>hydrophila</u>	marsh checkerbloom	Malvaceae	List 1B.2
<u>Streptanthus brachiatus</u> ssp. <u>brachiatus</u>	Socrates Mine jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus brachiatus</u> ssp. <u>hoffmanii</u> 📷	Freed's jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus glandulosus</u> ssp. <u>hoffmanii</u>	Hoffman's bristly jewel-flower	Brassicaceae	List 1B.3
<u>Streptanthus morrisonii</u> ssp. <u>elatus</u> 📷	Three Peaks jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus morrisonii</u> ssp. <u>hirtiflorus</u> 📷	Dorr's Cabin jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus morrisonii</u> ssp. <u>kruckebergii</u>	Kruckeberg's jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus morrisonii</u> ssp. <u>morrisonii</u>	Morrison's jewel-flower	Brassicaceae	List 1B.2
<u>Trifolium buckwestiorum</u> 📷	Santa Cruz clover	Fabaceae	List 1B.1

U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the
GEYSERVILLE (518B)
U.S.G.S. 7 1/2 Minute Quad

Report Date: January 30, 2015

Listed Species

Invertebrates

Syncaris pacifica-California freshwater shrimp (E)

Fish

Oncorhynchus kisutch-coho salmon - central CA coast (E) (NMFS)

Critical habitat, coho salmon - central CA coast (X) (NMFS)

Oncorhynchus mykiss-Central California Coastal steelhead (T) (NMFS)

Central Valley steelhead (T) (NMFS)

Critical habitat, Central California coastal steelhead (X) (NMFS)

Oncorhynchus tshawytscha-California coastal chinook salmon (T) (NMFS)

Critical habitat, California coastal chinook salmon (X) (NMFS)

Amphibians

Rana draytonii-California red-legged frog (T)

Birds

Strix occidentalis caurina-northern spotted owl (T)

Plants

Cordylanthus tenuis ssp. capillaries-Pennell's bird's-beak (E)

Key:

(E) Endangered - Listed as being in danger of extinction.

(T) Threatened - Listed as likely to become endangered within the foreseeable future.

(P) Proposed - Officially proposed in the Federal Register for listing as endangered or threatened.

(NMFS) Species under the Jurisdiction of the [National Oceanic & Atmospheric Administration Fisheries Service](#). Consult with them directly about these species.

Critical Habitat - Area essential to the conservation of a species.

(PX) Proposed Critical Habitat - The species is already listed. Critical habitat is being proposed for it.

(C) Candidate - Candidate to become a proposed species.

(V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.

(X) Critical Habitat designated for this species



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad is (Cloverdale (3812371) or Asti (3812278) or The Geysers (3812277) or Warm Springs Dam (3812361) or Geyserville (3812268) or Jimtown (3812267) or Cazadero (3812351) or Guerneville (3812258) or Healdsburg (3812257)) and Habitat is (Chaparral or Cismontane woodland or Riparian woodland or Valley & foothill grassland or Redwood or North coast coniferous forest)

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Baker's navarretia <i>Navarretia leucocephala ssp. bakeri</i>	PDPLM0C0E1	None	None	G4T2	S2	1B.1
Brandegee's eriastrum <i>Eriastrum brandegeeeae</i>	PDPLM03020	None	None	G1Q	S1	1B.1
burrowing owl <i>Athene cunicularia</i>	ABNSB10010	None	None	G4	S3	SSC
California red-legged frog <i>Rana draytonii</i>	AAABH01022	Threatened	None	G2G3	S2S3	SSC
Cobb Mountain lupine <i>Lupinus sericatus</i>	PDFAB2B3J0	None	None	G2	S2	1B.2
Colusa layia <i>Layia septentrionalis</i>	PDAST5N0F0	None	None	G2	S2	1B.2
Dorr's Cabin jewelflower <i>Streptanthus morrisonii ssp. hirtiflorus</i>	PDBRA2G0S2	None	None	G2T1	S1	1B.2
dwarf downingia <i>Downingia pusilla</i>	PDCAM060C0	None	None	GU	S2	2B.2
dwarf soaproot <i>Chlorogalum pomeridianum var. minus</i>	PMLIL0G042	None	None	G5T2	S2	1B.2
foothill yellow-legged frog <i>Rana boylei</i>	AAABH01050	None	None	G3	S2S3	SSC
fragrant fritillary <i>Fritillaria liliacea</i>	PMLIL0V0C0	None	None	G2	S2	1B.2
Franciscan onion <i>Allium peninsulare var. franciscanum</i>	PMLIL021R1	None	None	G5T1	S1	1B.2
Freed's jewelflower <i>Streptanthus brachiatus ssp. hoffmanii</i>	PDBRA2G071	None	None	G2T2	S2	1B.2
Geysers panicum <i>Panicum acuminatum var. thermale</i>	PMPOA24028	None	Endangered	G5T2Q	S2	1B.2
glandular western flax <i>Hesperolinon adenophyllum</i>	PDLIN01010	None	None	G3	S3	1B.2
Greene's narrow-leaved daisy <i>Erigeron greenei</i>	PDAST3M5G0	None	None	G2	S2	1B.2
hoary bat <i>Lasiurus cinereus</i>	AMACC05030	None	None	G5	S4	
Hoffman's bristly jewelflower <i>Streptanthus glandulosus ssp. hoffmanii</i>	PDBRA2G0J4	None	None	G4TH	SH	1B.3
holly-leaved ceanothus <i>Ceanothus purpureus</i>	PDRHA04160	None	None	G2	S2	1B.2



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Jepson's leptosiphon <i>Leptosiphon jepsonii</i>	PDPLM09140	None	None	G2	S2	1B.2
Konocti manzanita <i>Arctostaphylos manzanita ssp. elegans</i>	PDERI04271	None	None	G5T3	S3	1B.3
marsh microseris <i>Microseris paludosa</i>	PDAST6E0D0	None	None	G2	S2	1B.2
Methuselah's beard lichen <i>Usnea longissima</i>	NLLEC5P420	None	None	G4	S4	4.2
Morrison's jewelflower <i>Streptanthus morrisonii ssp. morrisonii</i>	PDBRA2G0S3	None	None	G2T2	S2	1B.2
Mt. Saint Helena morning-glory <i>Calystegia collina ssp. oxyphylla</i>	PDCON04032	None	None	G4T3	S3	4.2
Napa false indigo <i>Amorpha californica var. napensis</i>	PDFAB08012	None	None	G4T2	S2	1B.2
narrow-anthered brodiaea <i>Brodiaea leptandra</i>	PMLIL0C022	None	None	G3?	S3?	1B.2
pallid bat <i>Antrozous pallidus</i>	AMACC10010	None	None	G5	S3	SSC
pappose tarplant <i>Centromadia parryi ssp. parryi</i>	PDAST4R0P2	None	None	G3T1	S1	1B.2
Pennell's bird's-beak <i>Cordylanthus tenuis ssp. capillaris</i>	PDSCR0J0S2	Endangered	Rare	G4G5T1	S1	1B.2
Rincon Ridge ceanothus <i>Ceanothus confusus</i>	PDRHA04220	None	None	G1	S1	1B.1
Rincon Ridge manzanita <i>Arctostaphylos stanfordiana ssp. decumbens</i>	PDERI041G4	None	None	G3T1	S1	1B.1
Santa Cruz clover <i>Trifolium buckwestiorum</i>	PDFAB402W0	None	None	G2	S2	1B.1
Sebastopol meadowfoam <i>Limnanthes vinculans</i>	PDLIM02090	Endangered	Endangered	G1	S1	1B.1
serpentine cryptantha <i>Cryptantha dissita</i>	PDBOR0A0H2	None	None	G2	S2	1B.2
serpentine daisy <i>Erigeron serpentinus</i>	PDAST3M5M0	None	None	G2	S2	1B.3
Socrates Mine jewelflower <i>Streptanthus brachiatus ssp. brachiatus</i>	PDBRA2G072	None	None	G2T1	S1	1B.2
Sonoma canescent manzanita <i>Arctostaphylos canescens ssp. sonomensis</i>	PDERI04066	None	None	G3G4T2	S2	1B.2
Sonoma sunshine <i>Blennosperma bakeri</i>	PDAST1A010	Endangered	Endangered	G1	S1	1B.1
Sonoma tree vole <i>Arborimus pomo</i>	AMAFF23030	None	None	G3	S3	SSC



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
The Cedars fairy-lantern <i>Calochortus raichei</i>	PMLIL0D1L0	None	None	G2	S2	1B.2
The Cedars manzanita <i>Arctostaphylos bakeri ssp. sublaevis</i>	PDERI04222	None	Rare	G2T2	S2	1B.2
thin-lobed horkelia <i>Horkelia tenuiloba</i>	PDROS0W0E0	None	None	G2	S2	1B.2
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	AMACC08010	None	Candidate Threatened	G3G4	S2	SSC
western red bat <i>Lasiurus blossevillii</i>	AMACC05060	None	None	G5	S3	SSC
white seaside tarplant <i>Hemizonia congesta ssp. congesta</i>	PDAST4R065	None	None	G5T2T3	S2S3	1B.2
white-flowered rein orchid <i>Piperia candida</i>	PMORC1X050	None	None	G3?	S2	1B.2
white-tailed kite <i>Elanus leucurus</i>	ABNKC06010	None	None	G5	S3S4	FP

Record Count: 48

COUNTY ASSESSOR'S PARCEL MAP

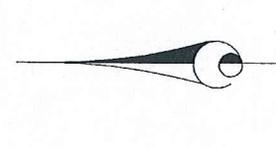
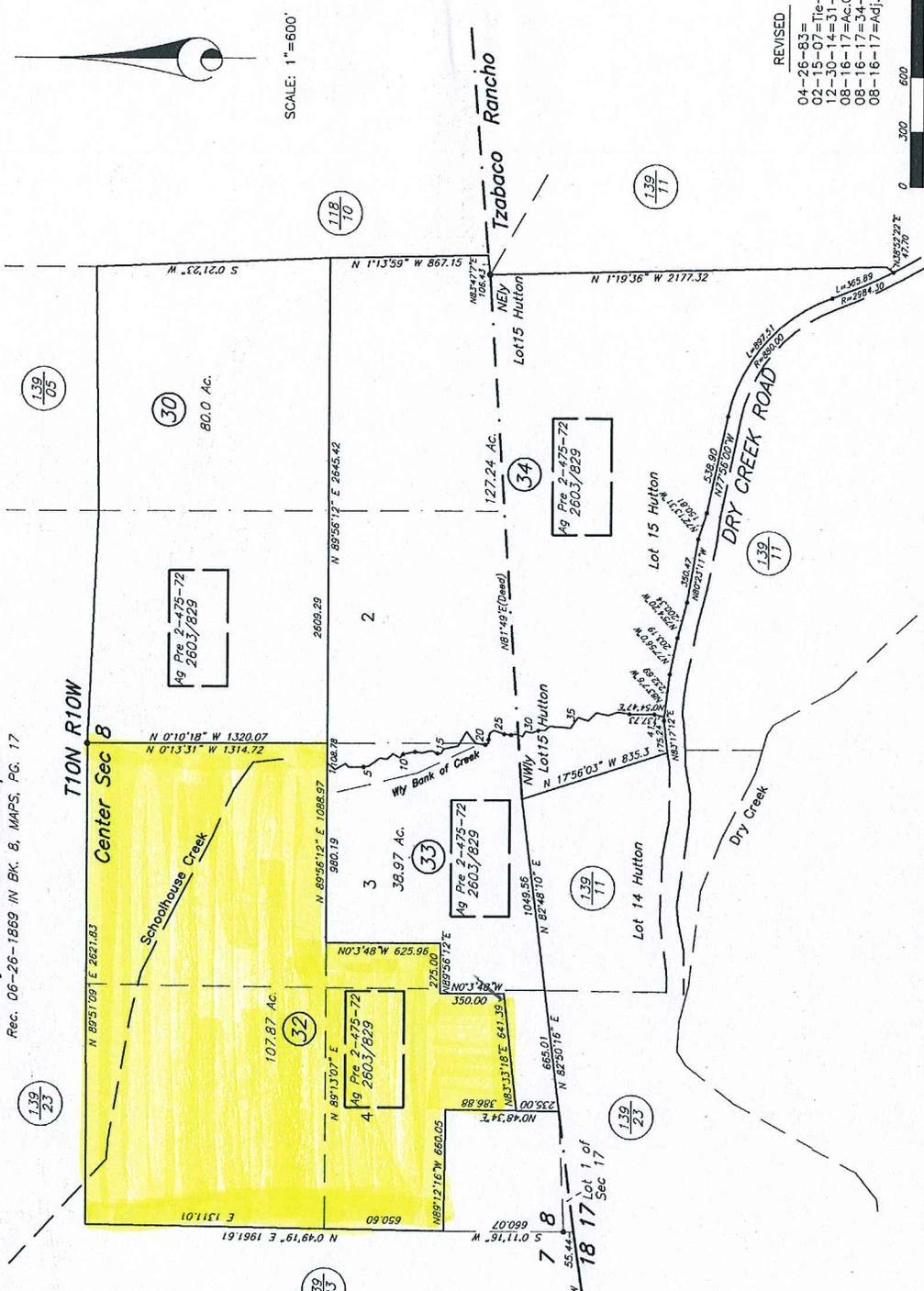
Ptn. Plat of Tzabaco Rancho
Surveyors Hutton and Spurr

Rec. 06-26-1869 IN BK. B, MAPS, PG. 17

TAX RATE AREA
87-008

139-06

1	N05°36'10"E	55.34
2	N08°55'53"W	66.26
3	N42°37'04"E	25.64
4	N11°10'10"W	80.08
5	N11°17'25"W	31.39
6	N35°02'21"W	71.29
7	N6°04'38"E	40.63
8	N40°37'09"W	42.17
9	N28°17'58"E	40.80
10	N43°20'18"W	27.01
11	N17°43'58"W	66.47
12	N9°43'28"E	38.51
13	N13°00'56"W	52.97
14	N23°27'18"E	35.32
15	N11°10'52"W	22.07
16	N62°11'49"W	38.59
17	N10°54'44"W	81.36
18	N68°14'32"W	30.69
19	N57°14'18"E	29.11
20	N7°35'37"E	52.59
21	N22°48'50"W	21.67
22	N26°54'40"W	25.95
23	N79°17'33"E	18.58
24	N79°16'01"W	35.43
25	N18°44'22"E	62.26
26	N7°41'42"E	37.00
27	N17°09'29"W	30.48
28	N22°40'40"E	36.19
29	N10°35'37"E	37.63
30	N59°01'37"W	32.55
31	N21°09'55"W	34.52
32	N2°38'29"W	38.81
33	N42°29'02"W	33.49
34	N5°37'34"E	114.93
35	N45°31'46"W	70.61
36	N16°23'45"E	58.80
37	N44°50'42"W	61.27
38	N12°20'01"E	64.79
39	N17°57'56"W	56.69
40	N8°34'37"E	63.18
41	N17°08'42"E	56.21



SCALE: 1"=600'

REVISED

- 04-26-83=
- 02-15-07=Te-line=KB
- 12-30-14=31-KB
- 08-16-17=Ac.Corr.-BC
- 08-16-17=34-BC
- 08-16-17=Adj.Pg.-EC

Assessor's Map Bk. 139, Pg. 06
Sonoma County, Calif. (ACAD)
KEY 12-30-14 KB

NOTE: This map was prepared for Assessment purposes only and does not indicate either parcel legality or a valid building site. No liability is assumed for the accuracy of the data delineated. The Assessor or Assessor's Office does not warrant or guarantee the information supplied by the Assessor (i.e., information from recorded deeds, prior assessment maps, etc.).

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 24
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Probation Department

Staff Name and Phone Number:

Lisa Valente, (707) 565-6261

Supervisorial District(s):

County-wide

Title: The Keeping Kids in School Initiative

Recommended Actions:

Authorize the Chief Probation Officer to enter into Memorandum of Understanding agreements with Healdsburg Unified School District and Windsor Unified School District to receive Keeping Kids in School program services through June 30, 2020.

Executive Summary:

Pursuant to the plan outlined in the May 22, 2018 Keeping Kids in School (KKIS) Initiative Board item, the Probation Department has made efforts to expand to North County school districts based on need for these services, and to ensure greater geographic representation in the program. After an extensive outreach effort, Windsor Unified and Healdsburg Unified School Districts have been identified as ready and willing partners in this valuable truancy reduction program. This item requests authority to enter into the necessary agreements to provide these vital services.

The Keeping Kids in School program is part of a larger countywide school success framework, consistent with the Board of Supervisors' priority of ongoing investment in education, and supported by a broad group of stakeholders collaborating to improve connections to schools in Sonoma County. Windsor Unified and Healdsburg Unified will be joining the following KKIS partner districts and the Sonoma County Court in their commitment to improving school attendance through the Keeping Kids in School Initiative: Cotati- Rohnert Park USD, Forestville USD, Guerneville Elementary School District, Petaluma City Schools, Sonoma County Office of Education, Sebastopol Union School District, Sonoma Valley USD, and West Sonoma County High School District.

Discussion:

Since August 2015, the Keeping Kids in School Initiative (KKIS) has served over 400 individual students and their families. The program has documented over 18,000 contacts and over 2,400 strategic interventions on behalf of individual program participants. Interventions have included both home and school-based interventions, transportation support, mental/behavioral health referrals, incentives,

mentoring, family services, pro-social activities, etc. In addition to individualized support, program staff and case managers have provided technical assistance to partner schools/districts to improve school-wide attendance systems. School-wide support includes activities such as: revamping tardy procedures, systematizing attendance letters, developing and supporting incentive programs, supporting staff development, providing relevant staff trainings, etc.

An initial program evaluation of KKIS conducted by WestEd determined that KKIS participants had very little involvement in the juvenile justice system, reduced their identified student attendance needs by 5%, increased family functioning by 38%, and had increased attendance rates.

The program was originally funded with a competitive Justice Assistance Grant in 2014. Upon expiration of the three-year term of the grant, the Probation Department embarked on a sustainability plan including using Juvenile Probation Funding designated for early intervention and diversion services, a National Institute of Justice Grant, and contributions from individual school districts. Geographic representation in the northern portion of Sonoma County has been a challenge, and specific efforts to work collaboratively with those school districts were launched in August 2018.

The Probation Department invited the following North County school districts to apply to become a Keeping Kids in School site: Alexander Valley Union, Cloverdale Unified, Geyserville Unified, Healdsburg Unified, West Side Union, and Windsor Unified. Windsor Unified School District and Healdsburg Unified School District applied for the project. After conducting an application review and school district interviews, the review team determined that both school districts would be accepted into the project, sharing a KKIS case manager for the 2018-19 and 2019-20 school years. The Probation Department anticipated adding school sites when preparing the Fiscal Year 2018-19 Adopted Budget, as did the agreement with Seneca Family of Agencies for case management services. As such, no budget adjustments nor contract amendments are necessary to begin to serve the selected school sites.

Prior Board Actions:

- May 22, 2018, executed an Agreement with WestEd Justice and Prevention Research Center (National Institute of Justice grant) and related service Agreements with partner agencies.
- December 12, 2017, executed an extended Agreement with Seneca Family of Agencies and Memorandum of Understanding agreements with the following school districts: Cotati-Rohnert Park Unified School District, Forestville Union School District, Guerneville Elementary School District, Petaluma City Schools, Santa Rosa City Schools, Sebastopol Union School District, Sonoma County Office of Education, Sonoma Valley Unified School District, West Sonoma County Union High School District
- December 9, 2014, adopted a resolution to accept Justice Assistance Grant (JAG) through December 31, 2017, in the amount of \$2,145,000; and 4) add 1.0 FTE Department Program Manager.
- May 19, 2015, executed an Agreement with Seneca Family of Agencies to provide case management services for youth experiencing school attendance problems and their families.
- April 14, 2015, updated on the Keeping Kids In School Project.

Strategic Plan Alignment Goal 3: Invest in the Future

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			

Funding Sources

General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

The item approved by the Board on May 22, 2018 included a contract with Seneca Family of Agencies in the amount of \$1,091,233 for case management services with several school districts ready to engage in the program, and with the intent of expansion into the northern areas of Sonoma County. The contract and Probation’s FY 2018-19 Adopted Budget both anticipated this expansion and funded up to 6.5 FTE Seneca case managers who were yet to be hired and who would begin providing services as school districts came into the program.

Probation funds the Seneca Family of Agency contract for case management services with Realignment revenue. Expanding the program to include Healdsburg and Windsor have no additional budget impacts to Probation, and no additional expenses will be paid to the contract provider, Seneca Family of Agencies. The MOUs with Healdsburg Unified School District and Windsor Unified School District do not require the districts reimburse Probation; costs flow from Probation to Seneca via contract, who then provides services via Seneca staff to the districts.

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):
None
Attachments:
MOU for Program Services with Healdsburg Unified School District MOU for Information Sharing with Healdsburg Unified School District MOU for Program Services with Windsor Unified School District MOU for Information Sharing with Windsor Unified School District
Related Items "On File" with the Clerk of the Board:
None

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE SONOMA COUNTY PROBATION DEPARTMENT
AND
HEALDSBURG UNIFIED SCHOOL DISTRICT
FOR
KEEPING KIDS IN SCHOOL SERVICES**

The Sonoma County Probation Department (Probation) and Healdsburg Unified School District (School District) hereby enter into this Memorandum of Understanding (MOU) for the purpose of outlining the roles and responsibilities of each respective agency pertaining to Keeping Kids in School (KKIS) services.

KKIS is a student engagement/juvenile delinquency prevention program that combines school/districtwide attendance improvement support with individualized case management services to K-12 students exhibiting a pattern of chronic absenteeism and their families. Though service contracts are administered by Probation, the students served by this project will rarely be involved with the juvenile justice system, with the exception of some students involved in Truancy Court.

1. Responsibilities of School District:

A. Collaboration and Oversight. School District must be represented and participate meaningfully at all KKIS program and school site meetings, and must work together with project partners to continuously improve the implementation of KKIS services. Designated staff from School District must actively participate in and take responsibility for the development/refinement of KKIS policies and procedures, supervision of staff, and oversight of KKIS daily operations at their School District sites.

B. Program Services.

a. *Case Management.* Community Based Organizations (CBOs) will provide case managers who will assertively engage, assess, and provide access to case management services for students and families to help strengthen their connection to school. School Districts must be prepared to work collaboratively with KKIS case managers to provide coordinated services to families of students experiencing attendance problems, including identifying students and families in need of KKIS case management, referring families to KKIS, and participating in collaborative case management activities. KKIS case managers will be sufficiently trained and possess direct experience in social services provisions including collaborative case management. Key duties of CBO case managers, all of which assume voluntary participation on the part of the family, include:

- Establish face-to-face contact with family within three days of referral.
- Meet with the family and student in their home or another location that helps facilitate successful engagement.

- Assertively and effectively engage students and families from diverse backgrounds, employing culturally competent/culturally sensitive strategies.
- Establish consent to participate in voluntary services and share information between project partners as needed for case coordination and evaluation purposes.
- Provide initial screening, including assessment of family strengths, barriers to school attendance, and risk of entering the justice system.
- Create a time-limited service plan with clearly-defined, measurable goals based upon student and family assessments.
- Assist students and families in navigating complex social service and educational systems with the goals of problem-solving, skill building and engagement in services.
- Connect student and family to resources and services that effectively address predictors and correlates of truancy.
- Provide service coordination and facilitate case planning meetings.
- Provide student attendance monitoring and support.
- Provide moral support and assist with connecting students and families to ongoing support systems.
- Communicate/problem-solve with schools regarding issues such as school climate and safety that impact the referred student's attendance.
- Document case management activities, progress toward goals, improvements in factors associated with truancy, improvements in student attendance, and related challenges and resources.
- Provide written, strengths-based discharge summaries to both parents and schools that describe activities and services, what was accomplished, and a plan for the future.

b. *Technical Assistance.* KKIS case managers will provide technical assistance to the School District to support a reduction in school/districtwide chronic absenteeism. School District administrators are responsible for focusing case managers on relevant ways to support in these efforts and providing guidance and oversight for these activities.

- C. Physical Space.** School District will provide appropriately furnished physical space where the case manager be able to meet with students, hold attendance improvement and case management meetings, and use a phone.
- D. Information Sharing.** School District agrees to share client-specific data with project partners for case coordination and evaluation purposes, in compliance with applicable statutes, pursuant to an information-sharing MOU.
- E. Fidelity.** KKIS service providers will be required to consistently apply, document and report on quality assurance processes. School District must be prepared to support these efforts by sharing information and participating in quality improvement efforts, as permitted by applicable statutes, pursuant to an information sharing MOU.
- F. Evaluation.** School District must cooperate with KKIS program evaluation activities as identified by Probation and KKIS project partners.

2. Responsibilities of Probation:

- A. **Program Manager.** Probation will provide a Program Manager to facilitate partner collaboration, provide fiscal and administrative program oversight, monitor KKIS service contracts with CBOs, coordinate KKIS training, collect program data, and coordinate evaluation activities.
- B. **Fiscal Management.** KKIS is supported by funds from various sources that will be managed by Probation. While sustainability of the KKIS project is a high priority, the County cannot guarantee funding for the project beyond the term of this Memorandum of Understanding.
- C. **Contracted CBO Services.** Probation will contract with CBOs to provide KKIS program services.
- D. **Fidelity.** Probation will monitor KKIS services for fidelity to the program model.
- E. **Training.** Probation will plan and provide training to KKIS project partners as needed, which may include attendance interventions, identifying root causes of chronic absenteeism, planning for sustainability, etc.
- F. **Fingerprints.** Probation shall ensure that all employees, agents and volunteers working with School District students at a KKIS school site have complied with the fingerprinting requirements of Education Code section 45125.1. Probation shall submit fingerprints for review by the Department of Justice and authorize School District to receive subsequent arrest and conviction notifications.
- G. **Confidentiality.** Probation acknowledges the protections afforded to student health and related information under regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), student records under the Family Educational Rights and privacy Act (FERPA), and under provisions of state law relating to privacy. Probation shall ensure that all activities undertaken pursuant to this Memorandum of Understanding comply with these requirements.
- H. **Information Sharing.** Probation will share client-specific data with project partners for case coordination and evaluation purposes, in compliance with applicable statutes, pursuant to an information sharing MOU.
- I. **Evaluation.** Probation will collect and store data pursuant to a data-sharing MOU to evaluate KKIS processes and outcomes, and will coordinate evaluation activities with KKIS project partners.
- J. **Partnership to Keep Kids in School Participation.** Probation will be represented at and participate meaningfully in The Partnership to Keep Kids in School.

3. Compensation For Services:

Neither party shall be liable to the other for any costs or expenses paid or incurred in performing services pursuant to this Memorandum of Understanding.

4. Amendments:

All changes to the body of the MOU shall be made in a signed writing upon mutual agreement of all parties.

5. Term

The effective date of this Memorandum of Understanding is from September 17, 2018 to June 30, 2020. Termination of this Memorandum of Understanding shall be in accordance with the provisions of Article 9.

6. Dispute Resolution:

If a dispute arises between Probation and School District under this MOU, Administrator from School District and the Juvenile Probation Division Director shall meet within three (3) business days to resolve the dispute. If the dispute cannot be resolved, the matter may be submitted to the Chief Probation Officer and to the School District's Superintendent for resolution.

7. Indemnification:

The parties agree to each defend, indemnify and hold harmless each other Party, and their officers, employees and agents from and against any and all liabilities or claims for injury or damages and all costs and expenses (including attorney's fees) arising out of the performance of this MOU, but only in proportion to and to the extent such liability or claims for injury or damages are caused by or result from the negligent or intentional acts, errors or omissions of the indemnifying Party.

8. Agreement:

The parties hereto will have their duly authorized representatives execute this Memorandum of Understanding on the day, month and year below written and agree that the terms of this MOU will commence effective September 17, 2018. The MOU shall be governed by the laws of the state of California.

9. Termination:

If any party hereto experiences changes in their needs or their ability to continue the current agreement, thirty (30) days advance notice will be given prior to the cancellation of this MOU.

SCHOOL DISTRICT

Vanden Heuvel, Superintendent
Healdsburg Unified School District
1028 Prince Street
Healdsburg, CA 95448

By: _____
Vanden Heuvel, Superintendent

Date: _____

COUNTY: COUNTY OF SONOMA

David Koch, Chief Probation Officer
Sonoma County Probation Department
600 Administration Drive, Room 104J
Santa Rosa, CA 95403

By: _____
David Koch, Chief Probation Officer

Date: _____

APPROVED AS TO FORM FOR COUNTY:

By: _____
Deputy County Counsel

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF SONOMA
AND
HEALDSBURG UNIFIED SCHOOL DISTRICT
FOR
INFORMATION SHARING**

This Memorandum of Understanding “MOU” is made and entered into this 17 day of September, 2018, in the State of California, by and between the County of Sonoma (hereinafter “County”) and the Healdsburg Unified School District (hereinafter “School District”), collectively “the Parties.”

RECITALS

Whereas, the Parties understand and agree that information sharing is essential to achieving their shared goals of enhancing the health, education, and welfare of children and their families;

Whereas, the County may from time to time fund particular programs specifically designed to help certain children achieve academic success and both County and School District have a mutual interest in evaluating the efficacy of those programs;

Whereas, from time to time the disclosure to County of pupil records may be necessary in order to assist the County in delivering, evaluating, and improving services for students served by School District;

Whereas, the Parties desire to commit to sharing information within the confines of federal and state law and commit to protecting from disclosure to third parties personally identifiable information that is confidential under state or federal law.

AGREEMENT

Now, therefore, in consideration of the covenants and agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. This MOU includes Exhibits outlining specific data to be shared, the lead agency, planned usage, and provisions for confidentiality, all of which taken together shall constitute one agreement. Parties to this MOU will only share information as detailed in this MOU and as allowed by applicable laws and rules.

-
2. "Pupil Records" as used herein shall refer to records defined as pupil records in Section 49061 et seq. of the California Education Code or personally identifiable education records as defined in 34 C.F.R. § 99.3 et seq. Pupil Records as used herein shall not be construed to include those items excluded in the foregoing statutes and shall not be construed to include aggregated or de-identified information that has been stripped of information that would permit County to identify individual students and parents to which the information applies.
 3. Each party shall be responsible for ensuring that its data is shared, matched, exchanged or used in compliance with all applicable state and federal laws. The Parties to this MOU acknowledge and agree that data shared by School District will meet the exemption requirements of Title 34 of the Code of Federal Regulations, section 99.31 and Education Code section 49076 (a)(1)(G). School District will ensure that informed consent from the subject's parent/guardian is obtained for all confidential data which does not meet one of the above-listed exemptions.
 4. The parties acknowledge the protections afforded to student health and related information under regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), student records under the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. sec 1232g, California Education Code section 49073-49079.7, and under provisions of state law relating to privacy. The County shall ensure that all activities undertaken pursuant to this MOU comply with these requirements.
 5. The parties agree that the programs detailed in the Exhibits do not permit personal identification of parents and students to individuals other than representatives of School Districts, County Departments or their partners that have legitimate grounds for accessing the information as outlined in the attached Exhibits. Where required, information will be shared only with informed consent of the subject of the information and the subject's parents, as applicable.
 6. Parties shall conduct data collection and analysis functions (as detailed in Exhibits) in a manner that does not permit the personal identification of parents and students associated with Pupil Records, by anyone other than the persons specifically described in the Exhibits.
 7. Confidential data furnished by any party pursuant to this MOU will be used or disclosed only as specifically provided by this MOU. Confidential data furnished by any party pursuant to this MOU shall not be disclosed for use to any person other than the authorized parties' staff who is assigned to the use of data for the purposes authorized under this MOU.
 8. The Parties agree to make a good faith effort to resolve informally any and all differences arising between them in the interpretation or performance of this MOU. If a dispute persists, either party may suggest an executive meeting for review and
-

resolution. The party suggesting the meeting should identify the issues in dispute and coordinate a face-to-face meeting to review the issues and solution options. An executive officer for each party who has full authority to discuss the issues and commit to effective solutions shall attend and participate in the meeting. Also, those persons with firsthand knowledge of the issues must be available for the meeting. No dispute under this MOU shall be subject to litigation proceedings prior to completing the meeting, except for an action to seek injunctive relief.

9. The individuals executing this MOU on behalf of the Parties each represent and warrant that they have the legal power, right and actual authority to bind their respective Party to the terms and conditions hereof.
10. Unless expressly agreed to in an Exhibit, neither School Districts nor County will receive any funding under this MOU. Neither party shall be liable to the other for any costs or expenses paid or incurred in performing services pursuant to this MOU.
11. This MOU may be periodically amended, as evidenced in writing and signed by all parties, to include additional parties. Additional Exhibits will accompany amendments to this MOU to detail any new information, sharing practices, or policies
12. The term of this MOU shall be from September 17, 2018 through June 30, 2020. Any party may terminate their participation in this MOU by giving the other parties thirty (30) days advance written notice of the effective date of termination.
13. School District will provide the dataset and/or electronic documentation of the datasets requested as detailed in the Exhibits.
14. County will implement data sharing practices as detailed in the Exhibits.

IN WITNESS WHEREOF, the parties have executed this MOU on the dates indicated below.

SCHOOL DISTRICT:

Healdsburg Unified School District
1028 Prince Street
Healdsburg, CA 95448

By: _____
Vanden Heuvel, Superintendent

Date: _____

COUNTY OF SONOMA

Sonoma County Probation Department
600 Administration Drive, Room 104J
Santa Rosa, CA 95403

By: _____
David Koch, Chief Probation Officer

Date: _____

APPROVED AS TO FORM FOR COUNTY

By: _____
Deputy County Counsel

Date: _____

Exhibit A:
Keeping Kids in School

Project Name: Keeping Kids in School

County Agency Lead: Probation Department

Timeframe for the analysis of the data:

Start Date: September 17, 2018

End Date: June 30, 2020

Project Overview

Keeping Kids in School (KKIS) is a student engagement/juvenile delinquency prevention program that combines school/districtwide attendance improvement support with individualized case management services to K-12 students exhibiting a pattern of chronic absenteeism and their families. Data shared under this MOU will be used for ongoing case coordination such as student assessments, action and transition planning, and referrals for services. Data will also be used to conduct program evaluation activities.

The expected KKIS program outcomes are outlined below:

Participant Goals

1. Reduction in the incidence of school absence and truancy for at risk students in Sonoma County;
2. Increase in student and parent engagement with school;
3. Improvements in participant educational outcomes;
4. Improvements in the functioning of participant families; and
5. Reductions in participant involvement in criminal activity.

Community Goals

1. Reduction of negative impacts upon community that result from chronic absence and truancy;
2. School districts experience increased revenue as a result of reduced student absence;
3. Increased school district revenue provides for sustainability of chronic absence/truancy prevention efforts.

Data Shared *by* School District

The following data elements are necessary for ongoing case coordination and evaluation purposes. Probation will provide student name(s) and request the following data points for the student.

Data Element	Data Level	Frequency	Rationale for Using Data <i>Case Coordination</i>
Student Attendance Records	KKIS participants	As requested by case managers or Probation staff Typically ongoing collection by case managers and quarterly collection by the Probation Department	To track the historic and ongoing daily attendance of KKIS participants to determine student progress, the effectiveness of program services, and to facilitate ongoing case-coordination
Grade Records	KKIS participants	As requested by case managers or Probation Department staff Typically collected twice during a reporting period: progress report and grade report (or whatever reports are typical for the student’s enrolled school)	To track the academic history and progress of KKIS participants to determine student progress, the effectiveness of program services, and to facilitate ongoing case-coordination
Discipline Records	KKIS Participants	As requested by case managers or Probation Department staff Typically collected twice during a grade reporting period	A data point used to measure student engagement history and progress of KKIS participants to determine student progress and effectiveness of program services and to facilitate ongoing case-coordination

Available School-wide Attendance and Discipline Data	School	Collected on an ongoing basis in time intervals available via School District data collection systems	To inform the understanding of school-wide needs for the allocation of KKIS resources and to determine progress and effectiveness of program services
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Data Shared to School District

The following data elements are necessary for ongoing case coordination and evaluation purposes and authorized under Sonoma County Standing Order No. 2015 (1) issued on December 31, 2015. As stated in this Standing Order, only information that is relevant to the treatment and services available to the minor through the program will be disseminated beyond the Student Attendance Team lead (assigned case manager).

Data Element	Data Level	Frequency	Rationale for Using Data <i>Case Coordination</i>
Juvenile Case File Information	KKIS Participants	As requested by the Student Attendance Team lead (assigned case manager)	To facilitate ongoing case coordination and determine the effectiveness of program services

Planned Usage of Data

1. Probation Department: As the lead agency in charge of fiscal and administrative oversight of the KKIS project, the Probation Department will use data to guide program oversight, development, refinement, and sustainability purposes. De-identified data will also be used for progress and summary reports.
2. KKIS Partners:
 - a. *Seneca Family of Agencies (Seneca)* – contracted with the Probation Department to provide KKIS services to School District. Data will be used by case managers and other Seneca staff to conduct day-to-day program services such as student

assessments, action and transition planning, and referrals for services. Data will also be used to assess the effectiveness of case management and school/districtwide attendance improvement strategies to refine service delivery as needed.

- b. *Sonoma County Human Services* - manages the Apricot database, a cloud-based system where KKIS case files are organized and project data collected.
 - c. *KKIS Student Attendance Teams* – multi-disciplinary teams led by the case manager to support KKIS participants at the School District may use data to facilitate ongoing case coordination and determine the effectiveness of program services.
3. Other: aggregates of these data, *with all identifiers removed*, may be shared with School District, Sonoma County Board of Supervisors, members of the Shared Outcome Measurement Committee, and other local collaborative groups when deemed important and relevant for directing and developing resources, refining existing programs, and encouraging county-wide collaborations and linkages.

Provisions of Confidentiality

The Probation Department certifies that all KKIS project staff and contracted partners ensure the confidentiality of information obtained from the school districts through the following activities:

- The original copy of the data (which may be shared on a physical device such as a flashdrive) or any hard copy printout of the data must be stored in a locked drawer or file cabinet while not being referenced by case managers or other appropriate staff. Printed information that is no longer needed will be destroyed. Printouts of data from the schools or school district are not to be distributed to anyone outside of project personnel. Project personnel include Human Services Department staff who will manage the on-line database.
- All Pupil Records will be destroyed when the information is no longer needed for the purposes of this project.
- Organizational or institutional penalties for the misuse of confidential data and breach of confidentiality by staff exist, are available in writing, and are enforced.
- Specific sanctions for confidentiality violation can be imposed that include employee disciplinary action and any of the following: remedial training in confidentiality, loss of

certification of competency in confidentiality, prohibition from future work with confidential data at the institution, and/or discharge.

- Users of the Apricot cloud-based database are authenticated by means of passwords or digital ID.
- Access to the Apricot cloud-based database is controlled by means of role-based authentication/access. Additionally, access to data files are restricted to specific project staff and access by non-project staff is not permitted.
- There is an audit trail that documents who, when, and for what purpose data is accessed via the Apricot cloud-based database.
- All KKIS participants and/or families sign releases of information with both Seneca Family of Agencies and the Probation Department complying with all applicable state and federal privacy laws explaining the use of student record data.
- Any security, data breach, loss or theft gets reported to School District Administrator. The School District certifies that any information shared to the school districts under this MOU will remain confidential and any and all documents obtained pursuant to this order will be destroyed upon a minor's termination or graduation from the Keeping Kids in School project.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE SONOMA COUNTY PROBATION DEPARTMENT
AND
WINDSOR UNIFIED SCHOOL DISTRICT
FOR
KEEPING KIDS IN SCHOOL SERVICES**

The Sonoma County Probation Department (Probation) and Windsor Unified School District (School District) hereby enter into this Memorandum of Understanding (MOU) for the purpose of outlining the roles and responsibilities of each respective agency pertaining to Keeping Kids in School (KKIS) services.

KKIS is a student engagement/juvenile delinquency prevention program that combines school/districtwide attendance improvement support with individualized case management services to K-12 students exhibiting a pattern of chronic absenteeism and their families. Though service contracts are administered by Probation, the students served by this project will rarely be involved with the juvenile justice system, with the exception of some students involved in Truancy Court.

1. Responsibilities of School District:

A. Collaboration and Oversight. School District must be represented and participate meaningfully at all KKIS program and school site meetings, and must work together with project partners to continuously improve the implementation of KKIS services. Designated staff from School District must actively participate in and take responsibility for the development/refinement of KKIS policies and procedures, supervision of staff, and oversight of KKIS daily operations at their School District sites.

B. Program Services.

a. *Case Management.* Community Based Organizations (CBOs) will provide case managers who will assertively engage, assess, and provide access to case management services for students and families to help strengthen their connection to school. School Districts must be prepared to work collaboratively with KKIS case managers to provide coordinated services to families of students experiencing attendance problems, including identifying students and families in need of KKIS case management, referring families to KKIS, and participating in collaborative case management activities. KKIS case managers will be sufficiently trained and possess direct experience in social services provisions including collaborative case management. Key duties of CBO case managers, all of which assume voluntary participation on the part of the family, include:

- Establish face-to-face contact with family within three days of referral.
- Meet with the family and student in their home or another location that helps facilitate successful engagement.

- Assertively and effectively engage students and families from diverse backgrounds, employing culturally competent/culturally sensitive strategies.
- Establish consent to participate in voluntary services and share information between project partners as needed for case coordination and evaluation purposes.
- Provide initial screening, including assessment of family strengths, barriers to school attendance, and risk of entering the justice system.
- Create a time-limited service plan with clearly-defined, measurable goals based upon student and family assessments.
- Assist students and families in navigating complex social service and educational systems with the goals of problem-solving, skill building and engagement in services.
- Connect student and family to resources and services that effectively address predictors and correlates of truancy.
- Provide service coordination and facilitate case planning meetings.
- Provide student attendance monitoring and support.
- Provide moral support and assist with connecting students and families to ongoing support systems.
- Communicate/problem-solve with schools regarding issues such as school climate and safety that impact the referred student's attendance.
- Document case management activities, progress toward goals, improvements in factors associated with truancy, improvements in student attendance, and related challenges and resources.
- Provide written, strengths-based discharge summaries to both parents and schools that describe activities and services, what was accomplished, and a plan for the future.

b. *Technical Assistance.* KKIS case managers will provide technical assistance to the School District to support a reduction in school/districtwide chronic absenteeism. School District administrators are responsible for focusing case managers on relevant ways to support in these efforts and providing guidance and oversight for these activities.

- C. Physical Space.** School District will provide appropriately furnished physical space where the case manager be able to meet with students, hold attendance improvement and case management meetings, and use a phone.
- D. Information Sharing.** School District agrees to share client-specific data with project partners for case coordination and evaluation purposes, in compliance with applicable statutes, pursuant to an information-sharing MOU.
- E. Fidelity.** KKIS service providers will be required to consistently apply, document and report on quality assurance processes. School District must be prepared to support these efforts by sharing information and participating in quality improvement efforts, as permitted by applicable statutes, pursuant to an information sharing MOU.
- F. Evaluation.** School District must cooperate with KKIS program evaluation activities as identified by Probation and KKIS project partners.

2. Responsibilities of Probation:

- A. **Program Manager.** Probation will provide a Program Manager to facilitate partner collaboration, provide fiscal and administrative program oversight, monitor KKIS service contracts with CBOs, coordinate KKIS training, collect program data, and coordinate evaluation activities.
- B. **Fiscal Management.** KKIS is supported by funds from various sources that will be managed by Probation. While sustainability of the KKIS project is a high priority, the County cannot guarantee funding for the project beyond the term of this Memorandum of Understanding.
- C. **Contracted CBO Services.** Probation will contract with CBOs to provide KKIS program services.
- D. **Fidelity.** Probation will monitor KKIS services for fidelity to the program model.
- E. **Training.** Probation will plan and provide training to KKIS project partners as needed, which may include attendance interventions, identifying root causes of chronic absenteeism, planning for sustainability, etc.
- F. **Fingerprints.** Probation shall ensure that all employees, agents and volunteers working with School District students at a KKIS school site have complied with the fingerprinting requirements of Education Code section 45125.1. Probation shall submit fingerprints for review by the Department of Justice and authorize School District to receive subsequent arrest and conviction notifications.
- G. **Confidentiality.** Probation acknowledges the protections afforded to student health and related information under regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), student records under the Family Educational Rights and privacy Act (FERPA), and under provisions of state law relating to privacy. Probation shall ensure that all activities undertaken pursuant to this Memorandum of Understanding comply with these requirements.
- H. **Information Sharing.** Probation will share client-specific data with project partners for case coordination and evaluation purposes, in compliance with applicable statutes, pursuant to an information sharing MOU.
- I. **Evaluation.** Probation will collect and store data pursuant to a data-sharing MOU to evaluate KKIS processes and outcomes, and will coordinate evaluation activities with KKIS project partners.
- J. **Partnership to Keep Kids in School Participation.** Probation will be represented at and participate meaningfully in The Partnership to Keep Kids in School.

3. Compensation For Services:

Neither party shall be liable to the other for any costs or expenses paid or incurred in performing services pursuant to this Memorandum of Understanding.

4. Amendments:

All changes to the body of the MOU shall be made in a signed writing upon mutual agreement of all parties.

5. Term

The effective date of this Memorandum of Understanding is from September 17, 2018 to June 30, 2020. Termination of this Memorandum of Understanding shall be in accordance with the provisions of Article 9.

6. Dispute Resolution:

If a dispute arises between Probation and School District under this MOU, Administrator from School District and the Juvenile Probation Division Director shall meet within three (3) business days to resolve the dispute. If the dispute cannot be resolved, the matter may be submitted to the Chief Probation Officer and to the School District's Superintendent for resolution.

7. Indemnification:

The parties agree to each defend, indemnify and hold harmless each other Party, and their officers, employees and agents from and against any and all liabilities or claims for injury or damages and all costs and expenses (including attorney's fees) arising out of the performance of this MOU, but only in proportion to and to the extent such liability or claims for injury or damages are caused by or result from the negligent or intentional acts, errors or omissions of the indemnifying Party.

8. Agreement:

The parties hereto will have their duly authorized representatives execute this Memorandum of Understanding on the day, month and year below written and agree that the terms of this MOU will commence effective September 17, 2018. The MOU shall be governed by the laws of the state of California.

9. Termination:

If any party hereto experiences changes in their needs or their ability to continue the current agreement, thirty (30) days advance notice will be given prior to the cancellation of this MOU.

SCHOOL DISTRICT

Brandon Krueger, Superintendent
Windsor Unified School District
9291 Old Redwood Hwy #500
Windsor, CA 95492

By: _____
Brandon Krueger, Superintendent

Date: _____

COUNTY: COUNTY OF SONOMA

David Koch, Chief Probation Officer
Sonoma County Probation Department
600 Administration Drive, Room 104J
Santa Rosa, CA 95403

By: _____
David Koch, Chief Probation Officer

Date: _____

APPROVED AS TO FORM FOR COUNTY:

By: _____
Deputy County Counsel

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF SONOMA
AND
WINDSOR UNIFIED SCHOOL DISTRICT
FOR
INFORMATION SHARING**

This Memorandum of Understanding "MOU" is made and entered into this 17 day of September, 2018, in the State of California, by and between the County of Sonoma (hereinafter "County") and the Windsor Unified School District (hereinafter "School District"), collectively "the Parties."

RECITALS

Whereas, the Parties understand and agree that information sharing is essential to achieving their shared goals of enhancing the health, education, and welfare of children and their families;

Whereas, the County may from time to time fund particular programs specifically designed to help certain children achieve academic success and both County and School District have a mutual interest in evaluating the efficacy of those programs;

Whereas, from time to time the disclosure to County of pupil records may be necessary in order to assist the County in delivering, evaluating, and improving services for students served by School District;

Whereas, the Parties desire to commit to sharing information within the confines of federal and state law and commit to protecting from disclosure to third parties personally identifiable information that is confidential under state or federal law.

AGREEMENT

Now, therefore, in consideration of the covenants and agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. This MOU includes Exhibits outlining specific data to be shared, the lead agency, planned usage, and provisions for confidentiality, all of which taken together shall constitute one agreement. Parties to this MOU will only share information as detailed in this MOU and as allowed by applicable laws and rules.
2. "Pupil Records" as used herein shall refer to records defined as pupil records in Section 49061 et seq. of the California Education Code or personally identifiable

education records as defined in 34 C.F.R. § 99.3 et seq. Pupil Records as used herein shall not be construed to include those items excluded in the foregoing statutes and shall not be construed to include aggregated or de-identified information that has been stripped of information that would permit County to identify individual students and parents to which the information applies.

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executive officer for each party who has full authority to discuss the issues and commit to effective solutions shall attend and participate in the meeting. Also, those persons with firsthand knowledge of the issues must be available for the meeting. No dispute under this MOU shall be subject to litigation proceedings prior to completing the meeting, except for an action to seek injunctive relief.

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14. County will implement data sharing practices as detailed in the Exhibits.

IN WITNESS WHEREOF, the parties have executed this MOU on the dates indicated below.

SCHOOL DISTRICT:

Windsor Unified School District
9921 Old Redwood Hwy #500
Windsor, CA 95492

By: _____
Brandon Krueger, Superintendent

Date: _____

COUNTY OF SONOMA

Sonoma County Probation Department
600 Administration Drive, Room 104J
Santa Rosa, CA 95403

By: _____
David Koch, Chief Probation Officer

Date: _____

APPROVED AS TO FORM FOR COUNTY

By: _____
Deputy County Counsel

Date: _____

Exhibit A:
Keeping Kids in School

Project Name: Keeping Kids in School

County Agency Lead: Probation Department

Timeframe for the analysis of the data:

Start Date: September 17, 2018

End Date: June 30, 2020

Project Overview

Keeping Kids in School (KKIS) is a student engagement/juvenile delinquency prevention program that combines school/districtwide attendance improvement support with individualized case management services to K-12 students exhibiting a pattern of chronic absenteeism and their families. Data shared under this MOU will be used for ongoing case coordination such as student assessments, action and transition planning, and referrals for services. Data will also be used to conduct program evaluation activities.

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1. Reduction in the incidence of school absence and truancy for at risk students in Sonoma County;
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Community Goals

1. Reduction of negative impacts upon community that result from chronic absence and truancy;
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Available School-wide Attendance and Discipline Data	School	Collected on an ongoing basis in time intervals available via School District data collection systems	To inform the understanding of school-wide needs for the allocation of KKIS resources and to determine progress and effectiveness of program services
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Data Shared to School District

The following data elements are necessary for ongoing case coordination and evaluation purposes and authorized under Sonoma County Standing Order No. 2015 (1) issued on December 31, 2015. As stated in this Standing Order, only information that is relevant to the treatment and services available to the minor through the program will be disseminated beyond the Student Attendance Team lead (assigned case manager).

Data Element	Data Level	Frequency	Rationale for Using Data <i>Case Coordination</i>
Juvenile Case File Information	KKIS Participants	As requested by the Student Attendance Team lead (assigned case manager)	To facilitate ongoing case coordination and determine the effectiveness of program services

Planned Usage of Data

1. Probation Department: As the lead agency in charge of fiscal and administrative oversight of the KKIS project, the Probation Department will use data to guide program oversight, development, refinement, and sustainability purposes. De-identified data will also be used for progress and summary reports.
2. KKIS Partners:
 - a. *Seneca Family of Agencies (Seneca)* – contracted with the Probation Department to provide KKIS services to School District. Data will be used by case managers and other Seneca staff to conduct day-to-day program services such as student

assessments, action and transition planning, and referrals for services. Data will also be used to assess the effectiveness of case management and school/districtwide attendance improvement strategies to refine service delivery as needed.

- b. *Sonoma County Human Services* - manages the Apricot database, a cloud-based system where KKIS case files are organized and project data collected.
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- All Pupil Records will be destroyed when the information is no longer needed for the purposes of this project.
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certification of competency in confidentiality, prohibition from future work with confidential data at the institution, and/or discharge.

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- Any security, data breach, loss or theft gets reported to School District Administrator. The School District certifies that any information shared to the school districts under this MOU will remain confidential and any and all documents obtained pursuant to this order will be destroyed upon a minor's termination or graduation from the Keeping Kids in School project.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 25
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Probation

Staff Name and Phone Number:

Robert Halverson (707) 565-3919

Supervisorial District(s):

Title: Noble Software Group, LLC, Software License and Services Agreement

Recommended Actions:

Authorize the Chief Probation Officer to execute an agreement with Noble Software Group, LLC, to provide validated assessment tools, a web-based, fully-integrated software application, software maintenance and training for the period of October 23, 2018 to October 22, 2021, with two one-year renewal options, in a total amount not to exceed \$346,181.

Executive Summary:

Today's recommended action is to authorize the Chief Probation Officer to execute a three year agreement with Noble Software Group, LLC, to continue to provide validated risk assessment tools, a web-based, fully-integrated software application, ongoing software maintenance, and staff training. The adult and juvenile assessment tools provide the Department with evidence-based assessments of the risk and need factors that academic research has shown to be linked to recidivism rates. Probation Officers are able to use data from an offender's assessments to develop a targeted case plan for the individual and to guide referrals to the most appropriate programming and services. Total expenditures for all services provided under the agreement are not to exceed \$346,181.

Discussion:

In October 2012, the County entered into a three-year agreement with Noble Software Group, LLC, for the Noble Assessment Software Platform of risk and needs assessment tools and data and other products and services. During the term of the 2012-2015 agreement, Noble successfully installed and integrated the assessment software into the County's Integrated Justice System database and provided training, and ongoing software support. The 2012 agreement included perpetual software licenses for up to 280 users. The Noble software also has been fully incorporated into the Integrated Justice System (IJS), the Criminal Justice database shared by the Sheriff's Office, District Attorney, Probation, and the Public Defender.

In October 2015, the County entered into an additional three-year agreement with Noble to provide ongoing maintenance support of its software products for up to 280 licenses in Probation and, as needed, training and ad hoc customization of software. In April 2017, the County and Noble amended the contract to increase the license limit to 290 and to include both Sonoma County Sheriff's Office Detention Centers. The Sheriff's Office is using the software products to assess some inmates for early release on Electronic Monitoring based on their risk level as indicated by the tool. The risk and needs assessment tools provided by Noble are different from those used by Probation and the Sheriff's office in assessing pre-trial release.

In a new three-year agreement, Noble shall provide ongoing maintenance support of its software products for up to 290 user licenses in Probation and the Sheriff's Office and, as needed, training and ad hoc customization of software. Contract rates are unchanged from the existing three-year agreement. The contract also includes access to an Inter-rater Reliability website, which provides assessment exercises and performance feedback used to improve assessment accuracy and identify training needs. Based on the efficacy of the assessment tools being provided by Noble, Probation Department staff, working with County Purchasing, has determined that it is in the County's best interest to continue to use the Noble Software Group for the software platform of assessment tools versus pursuing a competitive RFP process for these services. In doing so, the County will avoid incurring costs to purchase new license(s), install, integrate and perform acceptance testing of another vendor's software platform. In addition, County would avoid incurring time and effort to re-train up to 290 employees. Installing and testing new software and retraining staff would significantly interrupt the conduct of business for an unknown period by delaying timely development of case plans for offenders until all software implementation and training activities were successfully completed.

Prior Board Actions:

10/23/2012: Approved Noble Software Group, LLC, License and Services Agreement
 10/20/2015: Approved Noble Software Group, LLC, License and Services Agreement

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Use of risk and needs assessments aligns with the Safe, Healthy and Caring Community strategic plan goal. The assessments also provide a foundational piece to the Probation Department's implementation of evidence-based practices, a key recommendation of the County's Criminal Justice Master Plan. Information from risk and needs assessments allows the Probation Department to focus resources on those probationers at higher risk to re-offend. Research shows that focusing on this group provides the best recidivism reduction outcomes, supporting the ultimate goal of creating a safer community.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	68,000	68,000	68,000
Additional Appropriation Requested			
Total Expenditures	68,000	68,000	68,000
Funding Sources			
General Fund/WA GF	68,000	68,000	68,000
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	68,000	68,000	68,000
Narrative Explanation of Fiscal Impacts:			
<p>Total costs for the three-year contract are \$68,000 per year, for a total of \$204,000. The annual contract costs include software maintenance (\$33,750), ad-hoc case plan or software customization requirements (\$18,750), and the remainder for training and inter-rater reliability site hosting. The contract is covered by the General Fund, and has already been allocated in the FY 2018-19 budget. The two optional one-year extensions each allow for a maximum increase of 3% in annual contract costs. This corresponds with potential not to exceed amounts of \$70,040 and \$72,141 in FY 2021-22 and FY 2022-23, respectively.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None			
Attachments:			
Noble Software Group, LLC, Software License and Services Agreement			
Related Items "On File" with the Clerk of the Board:			

AGREEMENT FOR SOFTWARE LICENSE, MAINTENANCE,
AND PROFESSIONAL SERVICES

This agreement (“Agreement”), dated as of October 23, 2018 (“Effective Date”) is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter “County”), and Noble Software Group, LLC, incorporated in the State of Washington with authorization to do business in California (hereinafter “Consultant”).

R E C I T A L S

WHEREAS, Consultant represents that it is a duly qualified provider of validated risk assessment tools and related services; and

WHEREAS, Sonoma County desires to continue a non-exclusive license to use certain proprietary software and related documentation from Consultant under the terms and conditions of this Agreement; and

WHEREAS, Consultant desires to continue such license to County under the terms and conditions of this Agreement and to perform additional services, including but not limited to training, customization, and technical support of the Consultant software under the terms and conditions of subsequent Work Orders (defined below) issued under this Agreement;

WHEREAS, in the judgment of the Board of Supervisors, it is necessary and desirable to employ the services of Consultant for the provision of a risk assessment platform for the evaluation of juvenile and adult offenders.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

A G R E E M E N T

1. Definitions.

1.1. “Agreement”: This Agreement including the following Exhibits, which are incorporated herein for all purposes:

Exhibit A - Scope of Work

Exhibit B - Pricing Schedule

Exhibit C - Licensed Software

Exhibit D - Model Work Order

Exhibit E - Sonoma County Insurance Requirement

Exhibit F - Description of Software Maintenance Services

Exhibit G - Software Maintenance Covered Sites and Configuration

1.2. "Documentation": Text materials which describe the design, function, operation and use of the Licensed Software and which are customarily delivered by Consultant to licensees thereof.

1.3. "Licensed Software": All computer software, computer program, source and object code, algorithms and related documentation created under and to be delivered pursuant to this Agreement, identified in Exhibit "A" as Licensed Software.

1.4. "Third Party Materials": Those products specified as such will be procured by Consultant from a third party for delivery to Sonoma County.

1.5. "User Position": Workstations, personal or desktop computers, terminals or other items installed to support and be dedicated to, at any one time, a single individual as part of the Licensed Software.

1.6. "Work Order": A written document, in substantial conformity with the model Work Order in Exhibit "D", signed by both parties, specifying the mutually-agreed upon terms for the performance of additional tasks by Consultant and which, upon performance, shall be included in and governed by all other terms and conditions of this Agreement. If the Work Order calls for the development of software, the Work Order shall also specify ownership of any intellectual property created thereby in a manner consistent with the title provisions of this Agreement set forth in Article 8 below, and the acceptance criteria for such software.

2. Scope of Services.

2.1. Consultant's Specified Services.

Consultant shall perform the following services within the times or by the dates provided below and pursuant to Article 15, Prosecution of Work:

Consultant shall perform the services described in Exhibit "A", attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), and within the times or by the dates provided for in Exhibit "A" and pursuant to Article 15, Prosecution of Work. In the event of a conflict between the body of this Agreement and Exhibit "A", the provisions in the body of this Agreement shall control.

2.1.1. Sonoma County is responsible for meeting the environmental site requirements set forth in Exhibit "A": Scope of Work in a timely manner and at Sonoma County's cost.

2.2. Software Maintenance Services.

2.2.1. Coverage. During the term of this Agreement, Consultant agrees to provide maintenance and support services described in Exhibit “F” for the Covered Software operating at the site(s) and on the hardware configurations listed in Exhibit “F” - Section C (“Maintenance Services”). Unless specifically listed in Exhibit “G” - Section B, Covered Software does not include hardware vendor operating systems and other system software, Client-developed software, and third-party software (except any third party software embedded in the Covered Software).

2.3. Services Upon Request. In addition to the specified Scope of Work described in Exhibit “A”, Consultant shall perform services as requested from time to time by County in its sole discretion. Work will be authorized and performed only upon generating a written Work Order that is signed by the Chief Probation Officer or delegate. The Work Order shall specify the tasks to be performed, the deliverables, the time table for performance and the basis for payment whether on a fixed-price (“Fixed Price”) or time-services-materials-and-expenses (“T&M”) basis. Unless specified otherwise in the scope of services, the terms and conditions of this Agreement shall apply to performance of the scope of services. The pricing for T&M work shall be at Consultant customary pricing schedules unless a specific price is set forth in the scope of services. The County does not guarantee a minimum or maximum amount of work. Services shall be performed within specified times and dates and pursuant to Article 15.

2.4. Cooperation with County. Consultant shall cooperate with County and County staff in the performance of all work hereunder.

2.5. Performance Standard. Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed in Consultant's profession. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by County shall not operate as a waiver or release. If County determines that any of Consultant's work is not in accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with County to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 6; or (d) pursue any and all other remedies at law or in equity.

2.6. Assigned Personnel.

a. Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time County, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant

shall remove such person or persons immediately upon receiving written notice from County.

b. All persons assigned to perform services under this Agreement on behalf of the Consultant are subject to background investigations performed by or under the direction of the Probation Department.

c. All persons assigned to perform services under this Agreement on behalf of the Consultant must comply with the requirements of the Prison Rape Elimination Act of 2003 (PREA) and Probation Department policies regarding PREA.

d. All persons assigned to perform services under this Agreement on behalf of Consultant shall submit certification of appropriate training to deliver proprietary programming.

e. Consultant shall notify the County in writing within 30 days of any change in personnel holding the positions of Executive Director or Financial Director within its organization. Consultant's failure to comply with the provisions of this Section shall be deemed a material breach of this Agreement and may result in a loss of funding and/or contract termination.

f. In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

2.7. Access to Probation Department Facilities. Consultant shall be permitted access to Probation Department facilities for the purpose of performing the services required under this Agreement. Consultant shall ensure that persons not otherwise authorized to perform services hereunder do not enter the facilities with Consultant. Consultant agrees to comply with all Probation Department policies and procedures, and any directives issued by Probation Department staff, relating to safety and security while performing services in the facilities.

3. Payment.

Payment for all services performed by Consultant pursuant to this Agreement shall be made by County in accordance with the Pricing Schedule attached hereto as Exhibit "B" and incorporated herein by this reference. Payments made to Consultant under this Agreement shall not exceed \$204,000, not inclusive of any optional contract extensions as described in Article 5. Payments shall be made within thirty (30) days of receipt of properly detailed invoices, to the satisfaction of County. Consultant shall submit invoices by the 15th of each month, covering all services performed during the previous month, except for system maintenance fees, which will be invoiced annually, thirty (30) days in advance of the year. Consultant shall not be entitled to reimbursement of any costs or expenses incurred in connection with the performance of this Agreement not expressly set forth in Exhibit "B."

Unless otherwise noted in this agreement, payments shall be made within the normal course of county business after presentation of an invoice in a form approved by the County for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by the County.

Pursuant to California Revenue and Taxation code (R&TC) Section 18662, the County shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Consultant does not qualify, County requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If consultant is qualified, then the County requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, the Consultant agrees to promptly notify the County of any changes in the facts. Forms should be sent to the County pursuant to Article 24. To reduce the amount withheld, Consultant has the option to provide County with either a full or partial waiver from the State of California.

4. Acceptance.

4.1. If a Work Order calls for installation and acceptance testing, the parties agree to the following procedure:

4.1.1. Following proper installation of the Licensed Software by Consultant pursuant to the Work Order, unless specified in the Work Order, the parties will perform the acceptance tests provided by Consultant for the purpose of determining that the Licensed Software performs substantially in accordance with its Documentation or, in the case of new software development, substantially in accordance with County's functional requirements for such software. If the Licensed Software (including newly developed software) substantially performs the acceptance tests, County shall notify Consultant within five (5) days, and the date of notification shall be the acceptance date. Failure to do so will constitute acceptance. Testing will be scheduled in accordance with the implementation plan set forth in the Work Order.

4.1.2. If County fails to notify Consultant of any material defect within sixty (60) days of installation of the Licensed Software, the Licensed Software shall be deemed accepted by County.

4.1.3. If County notifies Consultant in writing and demonstrates to Consultant that the Licensed Software has not substantially met the acceptance tests, Consultant shall make corrections and modifications to the Licensed Software so as to meet such criteria. The charges for corrections and modifications to components are included and shall not be charged to County for either Fixed Price or Time & Materials projects.

4.1.4. Corrections and modifications will be accomplished on a timely basis to make the Licensed Software ready for retesting by County. The parties shall repeat the acceptance tests as soon as reasonably requested by Consultant and County shall notify Consultant within five (5) days after such tests have been conducted if and when the Licensed Software is accepted. In the event that the Licensed Software (or parts thereof) does not pass the applicable acceptance test(s), County may issue a conditional acceptance, upon terms acceptable to both parties, which will permit utilization in production and continued correction by Consultant of any defects. If County declines to grant conditional acceptance, then County may terminate this Agreement in accordance with Article 6. Otherwise, the date of the last such test shall be the acceptance date.

5. Term of Agreement.

5.1. The term of this Agreement shall be from October 23, 2018 to October 22, 2021 unless terminated earlier in accordance with the provisions of Article 6 below. The County has the option to renew this Agreement two (2) times after the initial term, for a period of one (1) year per extension on the same terms and conditions set forth herein, except that payment rates specified in Exhibit B (“Pricing Schedule”) may be increased by no more than three (3) percent in each additional year upon request of Consultant and consent of County. The total term of this Agreement, inclusive of extensions, shall not to exceed 5 years.

6. Termination.

6.1. Termination Without Cause. Notwithstanding any other provision of this Agreement, at any time and without cause, County shall have the right, in its sole discretion, to terminate this Agreement by giving 5 days written notice to Consultant.

6.2. Termination for Cause. Notwithstanding any other provision of this Agreement, should either County or Consultant fail to perform any of their obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, either Party may immediately terminate this Agreement by giving the other party written notice of such termination, stating the reason for termination.

6.3. Change in Funding. Consultant understands and agrees that County shall have the right to terminate this Agreement immediately upon written notice to Consultant in the event that (1) any state or federal agency or other funder reduces, withholds or terminates funding which the County anticipated using to pay Consultant for services provided under this Agreement or (2) County has exhausted all funds legally available for payments due under this Agreement.

6.4. Payment upon Termination. Upon termination of this Agreement by County, Consultant shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred hereunder, an amount which bears the same ratio to the total payment specified in the Agreement as the services satisfactorily rendered hereunder by Consultant bear to the total services otherwise required to be performed for such total payment;

provided, however, that if services which have been satisfactorily rendered are to be paid on a per-hour or per-day basis, Consultant shall be entitled to receive as full payment an amount equal to the number of hours or days actually worked prior to the termination times the applicable hourly or daily rate; and further provided, however, that if County terminates the Agreement for cause pursuant to Article 6.2, County shall deduct from such amount the amount of damage, if any, sustained by County by virtue of the breach of the Agreement by Consultant. Upon such termination, Consultant shall refund to County a portion of the maintenance fee prorated to reflect the date of termination and neither Consultant nor County shall have any further obligations hereunder.

6.5. Authority to Terminate. The Board of Supervisors has the authority to terminate this Agreement on behalf of the County. In addition, the Purchasing Agent or Chief Probation Officer, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of the County.

7. Warranties.

7.1. Consultant warrants that, for one (1) year following Sonoma County acceptance of the Licensed Software furnished under this Agreement or the deliverables provided pursuant to a Work Order hereunder (the "Warranty Period"), the Licensed Software, exclusive of Third Party Materials, will substantially conform to the accepted level of performance as set forth in Section 0 ("Warranty"). To the extent that Sonoma County notifies Consultant in writing during the applicable Warranty Period of any material non-conformity of the Licensed Software or deliverables with such acceptance level, and provides Consultant with (a) Sonoma County's estimation of the severity of such non-conformity and (b) such printouts, typescripts, documentation and other details of such non-conformity as Consultant shall reasonably request, Consultant shall use reasonable commercial measures to remedy or provide a work-around for such defect. Should Consultant fail to remedy any non-conforming issues in a timely manner, Consultant shall be responsible for reimbursing County for the costs for work of a third party necessary to correct such nonconforming Licensed Software or deliverables. In determining the timing of its response, Consultant shall be entitled to take into account the severity of the defect.

7.2. To the extent its agreement with a supplier of Third Party Materials permits, Consultant shall pass through to County any performance warranty relative to such Third Party Materials; provided, however, that Consultant makes no additional or supplemental warranty with respect thereto. Consultant shall be responsible for ensuring that additional licenses and/or royalties are not required for Sonoma County's use of the Licensed Software.

7.3. Consultant warrants that it has, and on the date of acceptance of the Licensed Software will have, the full right and authority to grant this license and that neither this license, nor the Licensed Software, nor performance under this Agreement does or shall conflict with any other agreement or obligation to which Consultant and/or Sonoma County is a party or by which either is bound, or any other third party's intellectual property rights.

7.4. Consultant warrants that its technical and consulting services will be of a professional quality conforming to generally accepted industry standards and practices. During the one

hundred and eighty (180) day period following completion of any such services, Consultant shall, upon receipt of written notice from Sonoma County describing a breach of the foregoing Warranty in such reasonable detail as is requested by Consultant, perform the services described in such written notice so as to conform to generally-accepted industry standards and practices.

7.5. These warranties do not cover defects or nonperformance to the extent due to causes and products external to the Licensed Software and out of the reasonable control of Consultant, and are not valid with respect to such defects or nonperformance.

7.6. If the Licensed Software is not in substantial compliance with the warranties contained in this Agreement at the end of the Warranty Period, Consultant shall extend the Warranty Period until the Licensed Software is brought into such compliance.

7.7. If any modification is made to the Licensed Software by Sonoma County without Consultant's approval, this Warranty may be terminated to the extent such modified software adversely affects the performance of the Licensed Software and creates resulting performance issues. Correction for difficulties or defects traceable to Sonoma County's unauthorized modifications or unauthorized systems changes shall be billed to Sonoma County at Consultant's standard time and material charges.

8. Title.

8.1. Consultant shall retain title to all intellectual property rights embodied in the Licensed Software, Documentation and any modification or enhancement of the Licensed Software or Documentation made under this Agreement or any Work Order, except as provided below ("Consultant Property").

8.2. County shall retain title to all intellectual property rights embodied in software, and any modification or enhancement thereof, that is provided, developed or commissioned by County without any violation of the terms of this Agreement and which is not Consultant Property ("County Property").

8.3. The parties agree that performance hereunder may result in the development of new concepts, software, methods, techniques, processes, adaptations and ideas, in addition to the Consultant Property and/or County Property, which may be delivered by Consultant or embedded in Consultant's deliverables ("New Property"). The parties agree that ownership of New Property shall be determined on a case by case basis prior to the execution of a Work Order requiring the delivery of any New Property and such ownership shall be clearly detailed in such Work Order. The parties intend for the designation of ownership in the Work Order to be consistent with (but not necessarily bound by) the following guidelines:

8.3.1. New Property which contains County's proprietary or confidential information shall belong to Sonoma County to the extent it contains such information; and

8.3.2. New Property which contains Consultant's proprietary or confidential information shall belong to Consultant to the extent it contains such information.

8.4. Each party will assign and shall cause its respective employees, agents, and contractors to assign, without further consideration, the ownership of software and/or documentation, including all associated intellectual property rights therein, as necessary to give effect to the ownership terms specified in this Agreement. Each party agrees to perform, at the reasonable request of the owner of such software and/or documentation, such further acts as may be necessary or desirable to transfer ownership of, and to perfect and defend, such software and/or documentation or other deliverable or work product in order to give effect to these ownership terms.

8.5. In as far as data entered into the system by County, such data shall be deemed to be owned by County. Consultant shall not have the right to use such data.

8.6. Consultant shall agree to enter into a Software Escrow Agreement and deposit the Licensed Software source code (including any updates), build instructions, programming documentation and configuration information into an escrow account with a third party depository. Release conditions shall include a) if Consultant discontinues business because of insolvency, receivership or bankruptcy; and/or b) Consultant defaults in its obligation to provide maintenance services.

9. License.

9.1. In accordance with the terms herein, Consultant continues granting County a perpetual, personal, non-exclusive and non-transferable (except as otherwise specifically provided by this Agreement) object code license to use the current version of Licensed Software (or any other version provided to County by Consultant).

9.2. Software may be used at any of County's business premises without the prior approval of Consultant. The Licensed Software may not be used at other locations unless Consultant is notified and approves otherwise, such approval not to be unreasonably withheld. Use of the Licensed Software may be subsequently transferred to other locations maintained by County, provided (1) the total number of User Positions at which the Licensed Software is used by County does not exceed the number of User Positions specified in Exhibit "C" and (2) County provides Consultant with written notice within thirty (30) days after such transfer.

9.3. County shall have the right to use the Licensed Software at a disaster recovery facility without prior notice to Consultant, but shall promptly notify Consultant as soon as circumstances permit.

9.4. The Licensed Software shall be used only for the processing of County's own business, which may include servicing and maintaining records on behalf of its customers and clients. County shall not permit any third party to use the Licensed Software. Authorized agents or contractors of County acting for County shall not be considered "third parties" for purposes of such limitation provided, however that disclosure of Consultant Confidential Information to such agents or contractors will be subject to the provisions of Article 18 ("Confidentiality").

9.5. Sonoma County shall not use or allow the use of the Licensed Software (a) for rental or in the operation of a service bureau; (b) through terminals located outside Sonoma County's business premises by persons not employed by or under contract with Sonoma County; or (c) as on-line control equipment in the operation of a nuclear facility, aircraft navigation or aircraft communication systems, or air traffic control machines.

9.6. Sonoma County shall have the right to reproduce one (1) copy of the Licensed Software and Documentation for archival purposes.

10. Compliance with Law.

10.1. This Agreement is made subject to any laws, regulations, orders or other restrictions on the export of the Licensed Software, or information about the Licensed Software, which may be imposed at any time or from time to time by the United States Government. County (i) shall comply with all such laws, regulations, permits, orders and other restrictions to the extent that they are applicable to County and (ii) shall not, directly or indirectly, export or re-export (as defined in the United States Export Administration Regulations) the Licensed Software or any information about the Licensed Software to any country for which the United States Government, or any agency thereof, requires an export license or other governmental approval without first obtaining the same. Consultant shall comply with all applicable statutes including, but not limited to those pertaining to labor employed, and shall protect, indemnify and defend County from and against any claims for wages or payroll taxes, and/or contributions with respect to employees of Consultant or any subcontractor by any applicable law dealing with old age benefits, FICA, unemployment compensation, health insurance and related subjects. Consultant and County agree that Consultant is an independent contractor. Consultant shall be liable for and hereby represents to County that all payments and obligations to subcontractors and suppliers will be timely made and satisfied at all times during the term of this Agreement, and agrees to indemnify, hold harmless and defend County for any loss to County relating to Consultant's violation of the provisions of this Article, provided, however, Consultant is given prompt written notice of any claim; and provided further that County shall not settle such claim, suit or proceeding without the consent of Consultant, which said consent shall not be unreasonably withheld.

11. Applicable Law.

11.1. The laws of the State of California apply to this Agreement and the rights, duties, and obligations of the parties hereto. The state and or federal courts in Sonoma County, California, shall have exclusive jurisdiction of any action arising out of or relating to this Agreement and each of the parties further irrevocably agrees to waive any objection to the venue of any such suit or proceeding in Sonoma County, California, or to in personam jurisdiction, provided that service is effective.

11.2. The United Nations Convention on Contracts for the International Sale of Goods is excluded from application hereto.

12. Proprietary Rights Indemnity.

12.1. Consultant shall defend, indemnify and hold harmless County and its officers, employees and agents from and against any claim, demand, suits, injunctive or declaratory relief actions; judgments, damages, cause of action, expenses or liability, including but not limited to attorneys' fees and the cost of litigation incurred in the defense of claims as to which this indemnity applies or incurred in an action by County to enforce the indemnity provisions herein, that arise out of or relate to a claim that the Licensed Software, (including any deliverables pursuant to Work Orders) used by County, infringes any United States, UK, Hong Kong, European, Canadian or Japanese patent, any United States copyright, or any trade secret or other intellectual property rights and/or claims of unfair competition or interference with economic advantage or contract (or similar claims); provided that Consultant is promptly notified in writing of such claim. The acceptance, by Consultant, of tender of defense of any claim shall give Consultant the right to primarily manage the defense, provided that County shall be given regular notice and opportunity to participate in such litigation. If there is a possible obligation to indemnify, Consultant's duty to defend exists regardless of whether it is ultimately determined that there is not a duty to indemnify. County shall have the right to select its own legal counsel at the expense of Consultant, subject to Consultant's approval, which approval shall not be unreasonably withheld. In no event shall County settle any claim, lawsuit or proceeding without Consultant's prior approval, which said approval shall not be unreasonably withheld. County may, at its own expense, assist in such defense if it so chooses.

12.2. In the event of any such claim, litigation or threat thereof, Consultant, at its sole option and expense, may procure for County the right to continue to use the Licensed Software or, at its sole option and expense, may replace or modify the Licensed Software with functionally-compatible, non-infringing software. If such settlement or such modification is not reasonably practical in the sole opinion of Consultant, after giving due consideration to all factors including financial expense, or if a temporary or final injunction or other judgment is obtained against Consultant with respect to the Licensed Software or any part thereof, Consultant may cancel this Agreement or the applicable Work Order and the licenses granted thereunder upon fifteen (15) days written notice to County and shall refund to County the unamortized portion of the amounts paid to Consultant by County for the development and/or acquisition thereof based upon five (5) year straight-line depreciation, such depreciation to commence on the date on which the Licensed Software was first accepted hereunder.

12.3. To the extent its agreement with a vendor of Third Party Materials permits, Consultant will pass through to County any proprietary rights indemnity relating to such Third Party Materials; provided, however, that Consultant gives no additional or supplemental indemnity with respect thereto.

13. General Indemnity.

13.1. The parties acknowledge that it may be necessary for the employees of Consultant to be present at the facilities of County for extended periods of time. The parties agree upon reasonable notice to provide the employees of the other with all reasonable facilities and services to assure that their services may be properly performed.

13.2. Consultant shall instruct its employees to conform to the internal regulations and procedures of County while on County's premises.

13.3. Additionally, Consultant agrees to indemnify, defend, and save harmless County and its officers, agents and employees from and against any and all claims, losses, expenses, damages, liabilities and expenses, including but not limited to attorney's fees and the cost of litigation incurred in the defense of claims as to which this indemnity applies or incurred in an action by County to enforce the indemnity provisions herein, accruing or resulting to any person, firm, or entity for personal injury, property damage or economic loss, to the extent due to the acts, errors, omissions, negligence and/or willful misconduct of the indemnifying party. If there is a possible obligation to indemnify, Consultant's duty to defend exists regardless of whether it is ultimately determined that there is not a duty to indemnify. County shall have the right to select its own legal counsel at the expense of Consultant, subject to Consultant's approval, which approval shall not be unreasonably withheld. In no event shall County settle any claim, lawsuit or proceeding without Consultant's prior approval, which said approval shall not be unreasonably withheld. County may, at its own expense, assist in such defense if it so chooses. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts.

14. Insurance. With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit "E", which is attached hereto and incorporated herein by this reference.

15. Prosecution of Work. The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

16. Force Majeure.

16.1. Neither party shall be liable for default or delay caused by any occurrence beyond its reasonable control or beyond the reasonable control of any subcontractor, including but not limited to fires, strikes, accidents, acts of God and subcontractor defaults. In the event Consultant should be delayed in the completion of any portion of the work by reason of any such occurrence, the time within which the portion of work is to be completed shall be extended by the period of such delay, but no such extension shall be made unless a notice thereof is presented by Consultant to County in writing within ten (10) working days after the occurrence of such delay and no payment shall be made by County to Consultant for any expenses incurred by Consultant by reason of any such default or delay.

16.2. In the event that U.S. Government export control laws or regulations change after the execution of this Agreement and such changes inhibit or prohibit Consultant from performing under this Agreement, Consultant shall not be liable for its non-performance.

17. Extra or Changed Work. Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the Chief Probation Officer in a form approved by County Counsel. The Board of Supervisors must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the County.

18. Confidentiality Requirements. Consultant and its directors, officers, employees, agents, and subcontractors shall ensure that:

18.1. All records concerning any individual or client made or kept in connection with the administration of any provision of the services provided by this agreement shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of the services provided here, except as requested in writing by County or as required by law.

18.2. No person shall publish, disclose, use, permit, or cause to be published, disclosed, or used any confidential or identifying information pertaining to any individual or client that is obtained in connection with the administration of any provision of the services provided by this Agreement, except as requested in writing by County or as required by law.

18.3. Consultant and its officers, employees, agents or subcontractors, shall not voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives notice to the Probation of such court order or subpoena prior to compliance.

19. Mediation of Disputes.

19.1. If a dispute arises out of or relates to this Agreement, or an alleged breach thereof, and if the dispute cannot be settled through negotiation, before resorting to litigation, the County and Consultant agree first to try in good faith to settle the dispute by mediation. If the parties cannot agree on a mediator or mediation rules to use, the parties shall use the construction industry mediation procedures developed by the American Arbitration Association, with the following exceptions to those procedures:

19.1.1. The mediation shall be conducted in Santa Rosa, California.

19.1.2. Unless otherwise agreed to in writing by the parties participating in the mediation, the mediation shall be concluded no later than sixty (60) days after the first mediation session. If the dispute has not been resolved at that time, any party may elect at that time to pursue litigation.

19.1.3. The parties agree to exchange all relevant non-privileged documents before the first scheduled mediation session.

20. Injunctive Relief.

20.1. Consultant and Sonoma County hereby acknowledge and agree that damages at law and the Mediation of Disputes provision of Article 19 may be inadequate remedies for the breach of Article 8 (“Title”), Article 9 (“License”), or Article 18 (“Confidentiality”) hereof, and, accordingly, Consultant and Sonoma County hereby agree that Consultant and/or Sonoma County may be entitled to temporary and permanent injunctive or other equitable relief with respect to any such breach without the necessity of proving actual damages or posting a bond or other security or resorting to the provisions of Article 19. The rights set forth in this Article 20 shall be in addition to any other rights which the parties may have at law or in equity.

20.2. Consultant and Sonoma County agree that if any portion of this Relief provision is found to be over-reaching or unenforceable, that these provisions can, nonetheless, be applied to the extent found to be enforceable.

21. Representations of Consultant.

21.1. Standard of Care. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by County shall not operate as a waiver or release.

21.2. Status of Consultant. The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits County provides its employees. In the event County exercises its right to terminate this Agreement pursuant to Article 6, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

21.3. No Suspension or Debarment. Consultant warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. Consultant also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration. If the Consultant becomes debarred, consultant has the obligation to inform the County.

21.4. Taxes. Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to indemnify and hold County harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case County is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish County with proof of payment of taxes on these earnings.

21.5. Records Maintenance. Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to County for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

21.6. Conflict of Interest. Consultant covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Agreement no person having any such interests shall be employed. In addition, if requested to do so by County, Consultant shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of Economic Interest" with County disclosing Consultant's or such other person's financial interests.

21.7. Statutory Compliance/Living Wage Ordinance. Consultant agrees to comply, and to ensure compliance by its subconsultants or subcontractors, with all applicable federal, state and local laws, regulations, statutes and policies, including but not limited to the County of Sonoma Living Wage Ordinance, applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, Consultant expressly acknowledges and agrees that this Agreement is subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.

21.8. Nondiscrimination. Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religious

creed, belief or grooming, sex (including sexual orientation, gender identity, gender expression, transgender, pregnancy, childbirth, medical conditions related to pregnancy, childbirth or breast feeding), marital status, age, medical condition, physical or mental disability, genetic information, military or veteran status, or any other legally protected category or prohibited basis, including without limitation, the County's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

21.9. AIDS Discrimination. Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

21.10. Authority. The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Consultant.

22. Demand for Assurance. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits County's right to terminate this Agreement pursuant to Article 6.

23. Assignment and Delegation. Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented. Each party may terminate this Agreement in case there is a change of control of the other party. The term, "Change of Control" shall be limited to an ownership change of more than Fifty Percent (50%) during any twelve-month period. In the case of a governmental agency as Sonoma County, the term, "change of control" shall be limited to a complete transfer of the responsibilities of such agency for which this Software has been licensed to another agency.

24. Method and Place of Giving Notice, Submitting Bills and Making Payments. All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

TO: COUNTY:

Attention: Probation Administration
Sonoma County Probation Department

600 Administration Dr., #104J
Santa Rosa, California 95403
Phone: (707) 565-8077

TO: CONSULTANT:

Noble Software Group, LLC
PO Box 990891
Redding, CA 96099
Attention: Chief Financial Officer

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this paragraph.

25. Miscellaneous Provisions.

25.1. No Waiver of Breach. The waiver by County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

25.2. Construction. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and County acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

25.3. Consent. Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

25.4. No Third Party Beneficiaries. Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

25.5. Applicable Law and Forum. This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the city of Santa Rosa, in the County of Sonoma.

25.6. Captions. The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

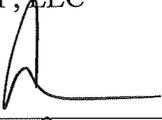
25.7. Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. Each Party acknowledges that, in entering into this Agreement, it has not relied on any representation or undertaking, whether oral or in writing, other than those which are expressly set forth in this Agreement. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties. This Agreement supersedes all proposals, oral or written, and all other representations, statements, negotiations and undertakings relating to the subject matter.

25.8. Survival of Terms. All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

25.9. Time of Essence. Time is and shall be of the essence of this Agreement and every provision hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CONSULTANT: NOBLE SOFTWARE GROUP, LLC

By:  _____

Name: Aaron Pinton

Title: CFO

Date: 10/1/18

COUNTY: COUNTY OF SONOMA

CERTIFICATES OF INSURANCE ON FILE WITH AND APPROVED AS TO SUBSTANCE FOR COUNTY:

By: _____
David Koch, Chief Probation Officer

Date: _____

APPROVED AS TO FORM FOR COUNTY:

By:  _____
County Counsel

Date: 10-10-18

EXHIBIT A

SCOPE OF WORK

1. OBJECTIVES

Sonoma County Probation Department is utilizing the Noble Assessment Software Platform as a foundation for the Department's efforts to implement Evidence-Based Practices. Noble shall provide maintenance support of its software products and provide access to training, Skill Path Evaluation System and an Inter-Rater Reliability Site.

2. PROGRAM SCOPE AND DELIVERABLES

2.1. Training

2.1.1. Description: Noble will send professional trainer(s), subject to the reasonable approval of County, to conduct training classes on-site for various topics. Following is a list of optional training classes that may be scheduled:

- *Stakeholder Training* – Four-hour session held on-site at Sonoma County, targeted at Judges, prosecutors, law enforcement, and other stakeholders that wish to learn about the implementation process of evidence-based practices, as well as the impact on the services provided to youth within their community.
- *Assessment Training* – Training session designed for line staff and supervisors to learn the selected assessment tool and the eight guiding principles of effective interventions.
- *Assessment Booster Training and Case Plan Training* – These sessions are scheduled to occur after the go-live date of the application and can be repeated as needed following the initial Booster Training. The curriculum is designed to help maintain fidelity to the assessment model and refresh attendees on core principles after critical experience has been gained. Case Plan training includes sessions on effective interviewing and the creation of case plans that are actionable, effective, and meaningful in the lives of offenders and their families.
- *Liaison Training* – Liaison Training is a one-day session designed to create a team of subject-matter experts (SMEs) who continue to provide guidance and expertise within Sonoma after the implementation is complete.

2.1.2. Deliverables: Training classes will be conducted on-site by qualified Noble personnel and/or sub-contractors. Trainings can be scheduled independently of all other classes. County has no obligation to purchase a minimum number of training sessions.

2.1.3. Rate: \$2,200/day, which includes all labor (including curriculum development), course materials, per diem, travel, incidentals, and other expenses related to training. Daily rate assumes up to eight (8) hours per day.

EXHIBIT A

SCOPE OF WORK

- 2.1.4. Milestones/Completion Date: Any training sessions will be scheduled on an “as needed” basis, with dates to be determined and agreed to between the Parties.
- 2.1.5. County Requirements/Responsibilities: County shall provide a suitable training facility to accommodate the number of staff attending the training sessions. All participants will need access to a computer with an internet connection, Microsoft Internet Explorer 9 or later, and Adobe Reader. For Noble View training, Microsoft Excel and access to the View installation are required. Internet access for the instructor is required.

2.2. SkillPath Evaluation System

- 2.2.1. Description: The SkillPath Evaluation System provides a state of the art set of fidelity measures that are portable across all sectors and levels of service in an organization. The SkillPath evaluation system assesses not only Motivational Interviewing (MI) skills and the general factors associated with making alliances and motivating clients, but it also assesses the degree to which offenders were engaged in conversation about their most pressing criminogenic needs.
- 2.2.2. Deliverables: County has no obligation to purchase a minimum number of sessions. For purchased sessions, Noble shall deliver the current SkillPath coding system: Motivational Interviewing Treatment Integrity (MITI) Code (Version 3.3, developed by T. Moyers, T. Martin, J. Manuel, W. Miller and D. Ernst). The computer software generates feedback reports for each tape critique, including types and content of change talk, percentages of clinical skills used in the interview, MITI global measures and MI adherence. Each phone coaching session includes:
- Follow-up review of SkillPath Critique Report with individualized comments.
 - Follow-up review of Interviewer Transcript with coded interviewer utterances and any interviewee change talk coded.
 - Collaborative coaching session to review the SkillPath Critique Report, including the interviewer’s strengths and areas for skill-building. The coach may also facilitate interactive simulation exercises to help the interviewer practice skills that have been hard to master.
- 2.2.3. Rate: \$225 per each coded tape and phone coaching session.
- 2.2.4. Milestones/Completion Date: SkillPath sessions will be conducted by qualified Noble personnel and/or sub-contractors on an as-needed basis at dates and times agreed to by both Parties.
- 2.2.5. County Requirements/Responsibilities: Not applicable.

2.3. Inter-Rater Reliability Site

EXHIBIT A

SCOPE OF WORK

- 2.3.1. Description: The Inter-Rater Reliability Site is a web-based platform that allows users to watch videos of interviews conducted by Probation staff, and subsequently perform an assessment on that interview and record the responses. Administrators can review the results of assessments against a model PACT or SRNA assessment and look for inter-rater reliability between staff and the model assessment.
- 2.3.2. Deliverables: Noble will continue to provide a web-based platform that will allow for users to watch two different interview videos of youth, perform an assessment on that interview, and record the responses. This site will provide for an unlimited number of tests to be performed by staff. Noble will provide two new videos for the PACT and SRNA each year. In addition to the provisions of Exhibit "F", the annual hosting fee includes two new PACT videos per year, application support on the site, and entitles County (for no additional fee) to all updates to the site developed by Noble.
- 2.3.3. Rate: \$6,000 total (\$3,000 annual hosting fee per site, one each for Adult and for Juvenile)
- 2.3.4. Milestones/Completion Date: The site will remain available for the duration of this agreement.
- 2.3.5. County Requirements/Responsibilities: County shall provide a Microsoft Windows 2008R2 server running IIS 7.5 or greater and a database server running Microsoft SQL Server 2008R2 or later. County computers must have Microsoft Internet Explorer version 9 or later with Adobe Flash available. Flash is required for the viewing of videos online.

2.4. Ad-Hoc Customization

- 2.4.1. Description: Noble offers a full suite of customization services to tailor the Noble Assessment Platform to the County's assessment, case planning and data analysis processes.
- 2.4.2. Deliverables: To be determined. All scope and deliverables will be agreed to by the Parties prior to commencement of any case planning or other ad-hoc customization work.
- 2.4.3. Rate: Time & Materials rate of \$150/hr.
- 2.4.4. Milestones/Completion Date: To be determined.
- 2.4.5. County Requirements/Responsibilities: County will need to provide a liaison to work with assigned Noble staff to design and implement the case plan desired.

EXHIBIT A

SCOPE OF WORK

2.5. Noble Assessment Platform Software and Maintenance Services

2.5.1. Description: Noble continues a perpetual license to County to use licensed software and host the Noble Assessment Platform. The Platform includes the following automated assessments:

- Noble PACT
- Adult Static Risk and Needs Assessment (SRNA)
- Assessment Integration with Sonoma System of Record
- Detention Risk Assessment (rights and scoring guide by County)
- STATIC-99R
- Case Planning Software for adult and juvenile assessments

The Assessment Platform allows for an unlimited number of subjects and assessments to be completed by users. Additionally, case planning functionality is included in the platform for adult and juvenile subjects and allows for unlimited case plans to be completed.

Noble will provide software maintenance services, as defined in this Agreement (refer Exhibits “B”, “F”, and “G”).

2.5.2. Deliverables: Refer to Exhibits “F” and “G”.

- Rate: Annual software maintenance rate is \$17,600 per year

2.5.3. Milestones/Completion Date: Annual maintenance periods.

2.5.4. County Requirements/Responsibilities: County will notify Noble of intent to execute optional annual maintenance periods no later than ten (10) days prior to start of the maintenance period.

2.6. Noble View Software and Maintenance Services

2.6.1. Description: Noble View is a software product that augments the Noble Assessment platform and provides enhanced data analysis capabilities. Noble View is configured to function with existing legacy data sources from prior vendor applications for juvenile and adult risk assessments.

Noble will provide software maintenance services, as defined in this Agreement (refer Exhibits “B”, “F”, and “G”).

2.6.2. Deliverables: Refer to Exhibits “F” and “G”.

EXHIBIT A

SCOPE OF WORK

- Rate: Annual software maintenance rates is \$10,000 per year

2.6.3. Milestones/Completion Date: Annual maintenance periods.

2.6.4. County Requirements/Responsibilities: County will notify Noble of intent to execute optional annual maintenance periods no later than ten (10) days prior to start of the maintenance period.

3. PERIOD OF PERFORMANCE/PROGRAM SCHEDULE

Please refer to the table below for annual software maintenance dates:

Table 1: Top Level Program Schedule

Description	Start Date	Finish Date
Annual Software Maintenance (Year 1)	10/23/18	10/22/19
Annual Software Maintenance (Year 2)	10/23/19	10/22/20
Annual Software Maintenance (Year 3)	10/23/20	10/22/21

4. OTHER COUNTY RESPONSIBILITIES

This section describes the major activities required of County staff or their consultants or agents in the execution of this Agreement:

- County will provide the necessary hardware, operating system software, web server software, and database software for the installation of the Licensed Software, as agreed between Noble and the County;
- County will provide an appropriate environment, during normal business hours, upon reasonable notice, for Noble on-site support personnel and training staff to work at County's site;
- County will provide network related services to allow clients to access the Licensed Software;

5. PLACE(S) OF PERFORMANCE

All work will be performed at the following Sonoma County Probation and Sonoma County Sheriff's Office facilities located in Santa Rosa and Forestville, California:

- 5.1. Sonoma County Probation – Administration
370 Administration Drive, 2nd Floor
Santa Rosa, CA 95403

EXHIBIT A

SCOPE OF WORK

- 5.2. Sonoma County Probation – Adult Division
600 Administration Drive, 104-J
Santa Rosa, CA 95403
- 5.3. Sonoma County Probation – Juvenile Division
7425 Rancho Los Guilicos Road, Dept. B
Santa Rosa, CA 95409
- 5.4. Sonoma County Probation – Probation Camp
7400 Steve Olsen Lane
Forestville, CA 95436
- 5.5. Sonoma County Probation – Adult Division, Investigations
2777 Cleveland Avenue, Suite 109
Santa Rosa, CA 95403
- 5.6. Sonoma County Sheriff's Office – North County Detention Facility
2254 Ordinance Road
Santa Rosa, CA 95403
- 5.7. Sonoma County Sheriff's Office – Main Adult Detention Facility
2777 Ventura Avenue
Santa Rosa, CA 95403

6. POINT(S) OF CONTACT

6.1. Sonoma County:

Robert Halverson
Research and Program Development Manager
Sonoma County Probation
370 Administration Drive, 2nd Floor
Santa Rosa, CA 95403
Phone: (707) 565-2145
Email: Christine.Williams@sonoma-county.org

6.2. Noble Software Group:

Diana Norris
President
Noble Software Group
PO Box 990891
Redding, CA 96099

Aaron Picton
Chief Financial Officer
Noble Software Group
PO Box 990891
Redding, CA 96099

EXHIBIT A

SCOPE OF WORK

Phone: (979) 248-6568

Email: DNorris@noblesg.com

Phone: (530) 276-8487

Email: APicton@nobelsg.com

EXHIBIT B

PRICING SCHEDULE

1. OVERVIEW

The fee schedule set forth in this Exhibit delineates the agreed upon pricing for all Noble contract supplies and service, and is established with the intent to allow Sonoma County to use the Licensed Software in perpetuity, with no annual or recurring licensing fees.

2. PRICING

Payments made to Consultant under this Agreement shall not exceed \$204,000.

2.1. Pricing Table

SOW Ref	Description	Rate Type	Cost	Payment Schedule
2.1	Training Sessions: Stakeholder, Assessment, Assessment Booster Training and Case Plan Training, Liaison Training	Daily (8 hrs.)	\$ 2,200	Noble will <u>not</u> provide training sessions unless requested by County. Training session content and number of days will be defined in a Work Order and Noble will invoice the full amount upon session completion.
2.2	SkillPath Coding System Evaluation	Per Recording	\$ 225	Noble will <u>not</u> invoice for this item unless requested by County. Per Recording quantities will be defined in a Work Order and Noble shall invoice the full amount upon successful delivery and acceptance.
2.3	Inter-Rater Reliability Site - Hosting Fee	Annual	\$ 3,000 per site: total of \$6,000 for one Adult and one Juvenile site	Noble will invoice County for the full annual maintenance charge at the beginning of the coverage period
2.4	Ad-Hoc Customization	Hourly	\$ 150	Noble will <u>not</u> invoice for this item unless requested by County. Estimated hours and tasks will be defined in a Work Order and Noble will invoice at T&M rate per Section 4.1 of this Exhibit "B".
2.5	Noble Assessment Platform - Annual Maintenance Fee	Annual	\$ 17,600	Noble will invoice County for the full annual maintenance charge at the beginning of the coverage period.
2.5	Noble View - Annual Maintenance Fee	Annual	\$ 10,000	Noble will invoice County for the full annual maintenance charge at the beginning of the coverage period.

3. MAINTENANCE SERVICES

EXHIBIT B

PRICING SCHEDULE

Maintenance Services for the applications and configuration listed in Exhibit "A" will be provided for the fees listed in Exhibit "B" - Section 2.

4. CONSIDERATION

In consideration of Consultant's performance, Sonoma County agrees to pay Consultant in accordance with the following provisions:

- 4.1. **Fixed Price and Time & Materials Fees.** The charges for performance of any fixed price or T&M tasks due to Work Orders will be billed monthly for charges incurred in the previous monthly period and are due and payable within thirty (30) days of the date of the invoice. Expenses may include, but are not limited to, reasonable charges for materials, office and travel expenses, graphics, documentation, research materials, computer laboratory and data processing, and out-of-pocket expenses reasonably required for performance. Expenses for travel and travel-related expenses and individual expenses in excess of USD \$500 require the prior approval of Sonoma County.

5. MAINTENANCE FEES AND ADDITIONAL USER LICENSES

- 5.1. **Maintenance Fees.** Fees for Maintenance Services provided under this Agreement are contained in Exhibit "B" - Section 2. Any time a site or software package is added or deleted from Exhibit "G", Consultant will automatically adjust and/or amend Exhibit "G" and Exhibit "B" accordingly. Consultant will also perform a bi-annual audit of all sections in Exhibit "G". If changes have occurred, Consultant will adjust and/or amend Exhibit "G" and Exhibit "B", and maintenance fees will be adjusted accordingly.

Rates will be reviewed and adjusted accordingly when another site is added and/or the workstation/server base increases (i.e., added equipment and/or installed software) and/or software to be supported exceeds the Covered Software.

- 5.2. **Additional User Licenses.** In the event the number of user licenses exceeds the number listed in Exhibit "C" and Exhibit "G" (up to 290), the costs shall be a one-time fee of \$986 per additional user and the annual maintenance cost will increase \$60 per additional user.

EXHIBIT C
LICENSED SOFTWARE

1. LICENSED SOFTWARE

<u>PRODUCT</u>	<u>DESCRIPTION</u>
Noble Assessment Platform	Exhibit "A", Section 2.5.1
Noble View	Exhibit "A", Section 2.6.1

2. USE OF LICENSED SOFTWARE

The Licensed Software listed above may be used in accordance with the Software License Agreement to support the following:

Up to **290** named users

EXHIBIT D

MODEL WORK ORDER

SAMPLE

**NOBLE SOFTWARE GROUP, LLC
WORK ORDER**

Addendum Reference (Date/Number/Code) _____

This addendum specifies additional software licenses and services to be provided by Noble Software Group, LLC ("Consultant") to County of Sonoma, a political subdivision of the State of California ("County"). All terms and conditions of the Software License Agreement between Consultant and County, dated ("Effective Date"), apply to this addendum as if the same had been set forth herein in full. In case of conflict between the terms of this addendum and the Agreement, the terms of this addendum shall prevail.

1. PROJECT IDENTIFICATION AND DESCRIPTIVE INTRODUCTION

2. DESCRIPTION OF SOFTWARE LICENSED AND/OR SERVICES

2.1 Software and Authorized Sites. The software under this addendum consists of the following components which may be used at the following authorized sites:

2.2 Services. The implementation or other services consist of the following

3. FEES

3.1 Software. Individual prices and the total price are as follows:

3.2 Maintenance on Software

Quarterly rate: \$_____ or the following percentage of the software list price:
_____%

Maintenance is under the terms of the _____ agreement dated
_____ ("Maintenance Agreement")

3.3 Services (e.g., installation, support, training). Services will be performed on either a time-and-materials-and-expenses basis or a fixed price basis at the following rates/fees:

3.4 Hardware (if any)

3.5 Expenses (e.g., travel, meals, hotel)

EXHIBIT D

MODEL WORK ORDER

4. PAYMENT SCHEDULE (WHEN ARE TO BE PAID)

4.1 Software license fees

4.2 Services

4.3 Maintenance fees

4.4 Hardware

5. PROJECT PLAN/PERFORMANCE SCHEDULE

6. ACCEPTANCE CRITERIA AND PROCEDURE. UNLESS SPECIFIED BELOW, ACCEPTANCE IS UPON DELIVERY.

7. WARRANTY

8. PREREQUISITES/COUNTY TASKS

9. OWNERSHIP OF THE DELIVERABLES

ACCEPTED:

County of Sonoma
Signature: SAMPLE
Name:

Title:

Date:

Noble Software Group, LLC
Signature: SAMPLE
Name:

Title:

Date:

EXHIBIT E

SONOMA COUNTY INSURANCE REQUIREMENTS

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Consultant from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers Compensation and Employers Liability Insurance

- a. Required if Consultant has employees.
- b. Workers' Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers' Liability with limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. *Required Evidence of Insurance*: Certificate of Insurance.

If Consultant currently has no employees, Consultant agrees to obtain the above-specified Workers' Compensation and Employers' Liability insurance should any employees be engaged during the term of this Agreement or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than ISO form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by County. Consultant is responsible for any deductible or self-insured retention and shall fund it upon County's written request, regardless of whether Consultant has a claim against the insurance or is named as a party in any action involving the County.
- d. The County of Sonoma, its officers agents and employees shall be additional insureds for liability arising out of operations by or on behalf of the Consultant in the performance of this agreement.
- e. The insurance provided to the additional insureds shall apply on a primary and non-contributory basis with respect to any insurance or self-insurance program maintained by them.
- f. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the "P" definition of insured contract in ISO form CG 00 01, or equivalent).

EXHIBIT E

SONOMA COUNTY INSURANCE REQUIREMENTS

- g. The policy shall cover inter-insured suits between County and Consultant and include a “separation of insureds” or “severability” clause which treats each insured separately.
 - h. *Required Evidence of Insurance:*
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.
- 3. Automobile Liability Insurance**
- a. Minimum Limits: \$1,000,000 combined single limit per accident.
 - b. Insurance shall apply to all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
 - c. Insurance shall apply to hired and non-owned autos.
 - d. Required Evidence of Coverage: Certificate of Insurance.
- 4. Professional Liability/Errors and Omissions Insurance**
- a. Minimum Limit: \$1,000,000 per occurrence.
 - b. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by County.
 - c. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work.
 - d. Coverage applicable to the work performed under this Agreement shall be continued for two (2) years after completion of the work. Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.
 - e. Required Evidence of Coverage: Certificate of Insurance.
- 5. Standards for Insurance Companies**
- Insurers shall have an A.M. Best's rating of at least A:VII.
- 6. Documentation**
- a. The Certificate of Insurance must include the following reference: Noble Assessment Software Platform.
 - b. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Insurance on file with County for the entire term of this Agreement and any additional periods if specified in Sections 1 – 4 above.
 - c. The name and address for Additional Insured endorsements and Certificates of Insurance is: County of Sonoma, its Officers, Agents and Employees, Attn: Probation Department, 600 Administration Dr., Rm 104-J, Santa Rosa, CA 95403.
 - d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.

EXHIBIT E

SONOMA COUNTY INSURANCE REQUIREMENTS

- e. Consultant shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

7. Policy Obligations

Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

8. Material Breach

If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. County, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, County may purchase the required insurance, and without further notice to Consultant, County may deduct from sums due to Consultant any premium costs advanced by County for such insurance. These remedies shall be in addition to any other remedies available to County.

EXHIBIT F

DESCRIPTION OF SOFTWARE MAINTENANCE SERVICES

I. SOFTWARE MAINTENANCE SERVICES

A. Support Services. During the term of this Agreement, Consultant will provide the services described herein so as to maintain the Covered Software in good working order, keeping it free from material defects so that the Covered Software shall function properly and in accordance with the accepted level of performance as set forth in the License Agreement.

- (1) Service Response. CONSULTANT will make available to County a telephone number (the "Support Center HOTLINE") for County to call requesting service of the Covered Software. The Support Center HOTLINE operates during business hours, 9:00 a.m. to 5:00 p.m. Pacific Time, Monday through Friday, excluding legal holidays. Extended coverage is available for an additional fee. The HOTLINE can also be used to notify CONSULTANT of problems associated with the Covered Software and related documentation.

B. Remedial Support. Upon receipt by Consultant of notice from County through the Support Center HOTLINE of an error, defect, malfunction or nonconformity in the Covered Software, Consultant shall respond as provided below:

Severity 1: Produces an emergency situation in which the Covered Software is inoperable, produces incorrect results, or fails catastrophically.

RESPONSE: Consultant will provide a response by a qualified member of its staff to begin to diagnose and to correct a Severity 1 problem as soon as reasonably possible, but in any event a response via telephone will be provided within four (4) business hours. Consultant will continue to provide best efforts to resolve Severity 1 problems in less than forty-eight (48) hours. The resolution will be delivered to County as a work-around or as an emergency software fix. If Consultant delivers an acceptable work-around, the severity classification will drop to a Severity 2.

Severity 2: Produces a detrimental situation in which performance (throughput or response) of the Covered Software degrades substantially under reasonable loads, such that there is a severe impact on use; the Covered Software is usable, but materially incomplete; one or more mainline functions or commands is inoperable; or the use is otherwise significantly impacted.

RESPONSE: Consultant will provide a response by a qualified member of its staff to begin to diagnose and to correct a Severity 2 problem as soon as reasonable possible, but in any event a response via telephone will be provided within eight (8) business hours. Consultant will exercise best efforts to resolve Severity 2 problems within five (5) days. The resolution will be delivered to County in the same format as Severity 1 problems. If Consultant delivers an acceptable work-around for a Severity 2 problem, the severity classification will drop to a Severity 3.

EXHIBIT F

DESCRIPTION OF SOFTWARE MAINTENANCE SERVICES

Severity 3: Produces an inconvenient situation in which the Covered Software is usable, but does not provide a function in the most convenient or expeditious manner, and the user suffers little or no significant impact.

RESPONSE: Consultant will exercise best efforts to resolve Severity 3 problems in the next maintenance release.

Severity 4: Produces a noticeable situation in which the use is affected in some way which is reasonably correctable by a documentation change or by a future, regular release from Consultant.

RESPONSE: Consultant will provide, as agreed by the parties, a fix or fixes for Severity 4 problems in future maintenance releases.

C. Maintenance Services. During the term of this Agreement, Consultant will maintain the Covered Software by providing software updates and enhancements to County as the same are offered by Consultant to its licensees of the Covered Software under maintenance generally ("Updates") at no additional cost. All software updates and enhancements provided to County by Consultant pursuant to the terms of this Agreement shall be subject to the terms and conditions of the License Agreement between the parties. Updates will be provided on an as-available basis and include the items listed below:

- (1) Bug fixes;
- (2) Enhancement to provisioned assessment tools to keep current with updates and changes as implemented by Consultant;
- (3) Enhancements to keep current with the current Microsoft Windows Server and Microsoft SQL Server releases, as available from Consultant; and
- (4) Performance enhancements to Covered Software.
- (5) New functionality within the covered software.
- (6) Updates do not include:
 - a. Platform extensions including product extensions to (i) different hardware platforms; (ii) different windowing system platforms; (iii) different operating system platforms; and
 - b. New functionality (i) within other product lines not listed as Covered Software; (ii) new data integrations; (iii) new applications; and (iv) new data visualization tools.

Updates will be provided in machine-readable format and updates to related documentation will be provided in electronic form. All such deliveries shall be made by a single

EXHIBIT F

DESCRIPTION OF SOFTWARE MAINTENANCE SERVICES

communication to a single County designated distribution point specified in Exhibit "G". Duplication, distribution and installation of Updates is the responsibility of Consultant unless otherwise specified. If requested, Consultant will provide on-site assistance in the installation of Updates on a time and materials basis, plus expenses.

Consultant will provide support services for previous releases for a minimum period of six (6) months following the general availability of a new release or software update. After this time, Consultant shall have no further responsibility for supporting and maintaining the prior releases.

Consultant assumes no responsibility for the correctness of, performance of, or any resulting incompatibilities with, current or future releases of the Covered Software if the County has made changes to the system hardware/software configuration or modifications to any supplied source code which changes effect the performance of the Covered Software and were made without prior notification and written approval by Consultant. Consultant assumes no responsibility for the operation or performance of any County-written or third-party application.

D. Services Not Included. Maintenance Services do not include any of the following: (1) custom programming services; (2) on-site support, including installation of hardware or software; (3) support of any software that is not Covered Software; (4) training; (5) out-of-pocket and reasonable expenses, including hardware and related supplies; or (6) any other activity set forth in Articles II through III of this Exhibit "F".

II. ON-SITE SUPPORT

As requested by County, and upon reasonable notice and approval by Consultant, Consultant shall maintain personnel at any of the Covered Sites. On-site personnel will perform ongoing system administration, monitoring, reconfiguration and tuning, problem diagnosis, and resolution, and interfacing with County personnel on production system issues, to the extent possible during normal business hours. These personnel shall also be responsible for the installation of new Consultant software releases on the production system, and the testing system if available, and the distribution of documentation updates. In addition, on-site personnel will provide training to County personnel on the operation and administration of the Covered Software as time permits.

III. TIME AND MATERIALS SERVICES

A. For Non-Consultant Problems. In the event that County notifies Consultant of a problem experienced by County in connection with the operation of the Covered Software, Consultant shall respond as provided in Section I.B., above. If the cause of such problem is not an error, defect or nonconformity in the Covered Software, County shall compensate Consultant for all work performed by Consultant in connection therewith, on a time and materials basis at Consultant's then current standard rates, unless otherwise agreed by the parties in writing at the time, plus reasonable expenses. Expenses for travel and travel-related expenses and individual expenses in excess of USD \$500 require the prior approval of County.

EXHIBIT F

DESCRIPTION OF SOFTWARE MAINTENANCE SERVICES

B. For Non-Consultant Software. Upon request and reasonable notice from County, Consultant will provide assistance in the installation of non-Consultant software on a time and materials basis, plus expenses. Non-Consultant software consists of any software not specifically listed in Exhibit “G”, Section II, including the following:

1. New releases and updates to hardware vendor operating systems and other system software not listed in Exhibit “G”;
2. County-developed software; and
3. Third-party software (except third party software embedded in the Covered Software).

IV. ACCESS

Software Maintenance is conditioned upon provision by County to Consultant of reasonable appropriate access to the system(s) running the Covered Software, including, but not limited to, passwords, system data, file transfer capabilities, and remote log-in-capabilities. Consultant will maintain security of the system and use such access only for the purposes of this Agreement and will comply with County's standard security procedures. Information accessed by Consultant agents or employees as a result of accessing County's system shall be deemed confidential information pursuant to the terms of the Software License Agreement executed concurrently between the parties hereto.

County shall also use commercially reasonable efforts to provide an active voice telephone line at each site which is available continuously when required for support access.

V. PROBLEM REPORTING AND TRACKING PROCEDURES

County may use the services described herein only by making reference to the authorized support Agreement number. All such reports and requests will be made through the authorized individuals (up to two [2] per site), designated by County in Exhibit “A”, who may be changed by County from time to time by written notice to Consultant.

EXHIBIT G

SOFTWARE MAINTENANCE COVERED SITES AND CONFIGURATION

COVERED SITES, SOFTWARE AND CONFIGURATION

A. Covered Sites.

This Agreement covers the following County sites

Sonoma County Probation – Adult Division
600 Administration Drive, 104-J
Santa Rosa, CA 95403

Sonoma County Probation - Administration
370 Administration Drive, 2nd Floor
Santa Rosa, CA 95403

Sonoma County Probation – Juvenile Division
7425 Rancho Los Guilicos Road, Dept. B
Santa Rosa, CA 95409

Sonoma County Probation – Probation Camp
7400 Steve Olsen Lane
Forestville, CA 95436

Sonoma County Probation – Adult Division, Investigations
2777 Cleveland Avenue, Suite 109
Santa Rosa, CA 95403

Sonoma County Sheriff's Office – North County Detention Facility
2254 Ordinance Road
Santa Rosa, CA 95403

Sonoma County Sheriff's Office – Main Adult Detention Facility
2777 Ventura Avenue
Santa Rosa, CA 95403

(and any locations that said Departments may move to in the future)

B. Covered Software.

This Agreement covers the following software components at each site listed in Exhibit "G", Section A:

1. Exhibit "A", Sections 3.1.1 & 3.1.2 - Noble Assessment Software Platform
2. Exhibit "A", Section 3.2.1 - Noble View Adult & Juvenile

C. Covered Configuration.

EXHIBIT G

SOFTWARE MAINTENANCE COVERED SITES AND CONFIGURATION

This Agreement covers the following configuration:

290 user licenses of Covered Software purchased by County.

D. Update Distribution Point.

Updates to software and documentation shall be distributed as per the terms of the Agreement to the following County distribution point:

Address: 370 Administration Dr, 2nd Floor, Santa Rosa, CA 95403

Contact: Ms. Tara Pavis

Email: Tara.Pavis@sonoma-county.org



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 26
(This Section for use by Clerk of the Board Only.)

To: The Board of Supervisors of Sonoma County

Board Agenda Date: October 23, 2018

Vote Requirement: 4/5

Department or Agency Name(s): Law Office of the Public Defender

Staff Name and Phone Number:

Kathleen Pozzi 565-2791
Trisha Griffus 565-3869

Supervisorial District(s):

Title: Approval of Capital Case Contract and Related Budgetary Adjustments

Recommended Actions:

1. Authorize the Law Offices of the Public Defender to enter into a contract with The Law Office of Eric Multhaup to provide Keenan Counsel Capital Case Mitigation services for a not to exceed amount of \$250,000 necessary to cover the capital case expenses per Penal Code 987.9 through June 30, 2020.
2. Authorize the Law Offices of the Public Defender to enter into a contract with L. Page Investigations & Mitigation, LLC to provide Mitigation Investigation services for a not to exceed amount of \$150,000 necessary to cover the capital case expenses per Penal Code 987.9 through June 30, 2020.
3. Authorize the use of Contingencies and Adopt a Budget Resolution increasing the FY18-19 adopted budget in the amount of \$940,000 to cover \$400,000 in contract costs and \$540,000 for the costs of an Extra-Help Attorney, an Extra Help Investigator and costs associated with discovery and other related case expenses.

Executive Summary:

This item requests the contract and budget authorizations necessary to provide capital case (death penalty) defense required by Penal Code 987.9 for the State of California vs. Shaun Gallon (SCR700412). The Law Office of the Public Defender has the mandated responsibility of defending any person who is not financially able to employ counsel and who is charged with a crime. To properly defend the client, the Office of the Public Defender seeks authorization to enter into two professional service agreements: 1) Mitigation/Investigation services 2) Second Chair or "Keenan Counsel" services.

The Department requests the use of Contingencies and an increase in appropriations of \$940,000 for the purpose of funding the estimated contract costs and other investigator and discovery expenses the Department will incur to defend this case.

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Draft Agreement between County of Sonoma, Law Office of the Public Defender and Law Office of Eric Malthaup.
Draft Agreement between County of Sonoma, Law Office of the Public Defender and L Page Investigations & Mitigation, LLC.

Related Items "On File" with the Clerk of the Board:

Discussion:

Capital punishment, the death penalty, is the most serious punishment society can impose on someone for committing a crime. Because of the gravity of the punishment, the normal civil rights protections that the criminal law provides to defendants are most important when capital punishment is at stake.

Special circumstances murder (also known as capital murder) is first-degree murder where one or more statutory special circumstances are present. (Penal Code section 190.2). On May 14, 2018, the Sonoma County District Attorney's Office charged Shaun Gallon with three counts of first degree murder (Penal Code section 187), each with the special circumstance of multiple murder victims (Penal Code section 190.2(a)(3)). Therefore, Shaun Gallon is eligible for the death penalty, if convicted. The Sonoma County Public Defender has been appointed to represent Shaun Gallon.

The Department has not had a death penalty case in 25 years (People vs. Richard Allen Davis). The law requires certain mandated minimum qualifications to represent a person accused of a capital murder case. There are currently only two attorneys within the Department qualified to represent a person in a capital offense, one of which is the Public Defender herself. The other is assigned to this case. Currently the office has reached maximum capacity regarding attorney client ratios which are some of the highest in the State. The office is well trained but minimally staffed; however, the given the rarity of capital cases in this County the staff does not have the necessary experience required to fully represent this client without outside resources. It would be deemed ineffective assistance of counsel if the Department did not provide a "Keenan" counsel and mitigation expert with the appropriate expertise to defend this client in a capital case.

Procedurally, death penalty cases are different than other criminal cases. Given the gravity of the penalty involved, capital cases require more extensive investigation and preparation of the defense to ensure the rights of the accused. Furthermore, capital cases involve unique procedures to determine whether the death penalty should be imposed. In all other felony cases a judge imposes a statutorily prescribed sentence following a conviction. The punishment for a capital offense is either the death penalty, or life in prison without the possibility parole. It is up to the jury to decide which one the defendant will receive in a separate "penalty phase" of the trial where the jury literally makes a life or death decision. The penalty phase jury trial is unique to death penalty cases and makes death penalty litigation much more complex than other criminal cases. At the penalty phase of the trial, the defendant can introduce mitigating evidence that he should not receive a death sentence. Therefore, it is vital that the defense investigate all possible evidence that may mitigate against the death penalty in the penalty phase of the trial. This may include psychological evidence, social and family history, personal history, criminal history, and any other mitigating factors. The investigation of mitigating evidence is one characteristic of a capital case that makes it more complicated, time consuming, and expensive to prepare and present.

The American Bar Association (ABA) has established guidelines of the professional norms for defending capital cases, in order to ensure high quality representation for all persons facing the possible imposition or execution of a death sentence. The ABA guidelines for capital cases begin with the premise that defense counsel shoulder unique and extraordinary obligations at each stage of a death penalty case. Accordingly, the ABA guideline 4.1(A)(1) specifies that each defendant in a death penalty case *should be represented by no fewer than two qualified lawyers, an investigator, and a mitigation specialist.*

KEENAN COUNSEL:

Regarding the appointment of a second attorney in a capital case, California law has generally paralleled the ABA guidelines for capital defense. In *Keenan v. Superior Court (Keenan)* (1982) 31 Cal.3d 424, the California Supreme Court determined that the San Francisco Superior Court abused its discretion by denying a defense request to appoint a second defense attorney in a capital case. The Supreme Court observed that appointment of a second attorney is not mandatory in all capital cases, but should be done where “it appears that a second attorney may lend important assistance in preparing for trial or presenting the case. . .” In capital cases, appointment of a second attorney is commonly referred to as “Keenan Counsel” based on the court decision. As stated above, the Department is at capacity and lacking in appropriate experience and therefore a “Keenan Counsel” is mandated to avoid ineffective assistance of counsel to the Department.

The Law Office of the Public Defender will require additional resources to effectively prepare a case in defense of the Shaun Gallon murder trial. The Department does not currently have available staff with the necessary experience to fulfill this role and requires that the current staff maintain a level of defense of the Office’s current caseload. As such, the Department requests authorization to enter into a contract for Keenan Counsel services, not to exceed \$250,000, over 2 years.

MITIGATION/INVESTIGATION SERVICES:

A mitigation investigator is a necessary and indispensable member of a capital defense team according to the guidelines and best practices established by the American Bar Association. This position is unlike an evidence investigator used during the guilt phase of the defense. The contractor assists in all phases of defense as it pertains to client’s history and the mitigation of a potential death penalty. He or She help to ensure that every phase of the case integrates information that may be pertinent to the penalty phase of a case. The Department proposes that the County contract for these services. The total amount of the contract is not to exceed \$150,000 over a two year period.

PROCUREMENT SELECTION PROCESS:

The Law Office of the Public Defender is exempt from procurement procedures for “consulting with outside legal counsel” and “Litigation and investigation expenses including but not limited to employing investigators, expert witnesses....” In accordance with Resolution 95-0328 approved by the County of Sonoma Board of Supervisors on March 21, 1995.

A draft Service Agreement between the County of Sonoma, Law office of the Public Defender and the Law Offices of Eric Multhaup is attached.

Four Mitigation Investigators were interviewed and one selected with the experience and availability necessary to assist in the representation of Mr. Gallon.

A draft Service Agreement between the County of Sonoma, Law Office of the Public Defender and L. Page Investigations & Mitigation, LLC is attached.

ATTORNEY (Extra-Help):

The attorney assigned to represent Shaun Gallon is a Deputy Public Defender IV. Representation of a client in a capital case and the unique challenge it presents will require this individual's full attention. Many of this attorney's remaining felony cases will be re-distributed to other felony trial attorneys. The position the Department requests is to back-fill a Public Defender I position at an annual cost of \$180,000 to assist the Department in misdemeanor court coverage. Current permanent staff will be used in a felony trial department to mitigate the cost to the County. The estimated pro-rated cost of extra-help back-fill in the current FY18-19 is \$90,000. The full annual position cost of \$180,000 is estimated in FY19-20.

INVESTIGATOR (Extra-Help):

During the guilt determination phase of our client's representation, the Department will assign an Investigator II to this case at the equivalent of 0.5 FTE at an annual cost of \$60,000. The Department requests an increase of \$60,000 in the current FY18-19 extra-help appropriation to back fill this individual's regular case load full-time during the remainder of this current FY. The full annual ½ time position cost of \$60,000 is estimated in FY19-20.

DISCOVERY EXPENSES:

During the first year of investigation and case preparation, the office will be ordering an extensive amount of discovery (police reports, audio, medical records, etc.). Reproduction of records, travel expenses for discovery are estimated at \$50,000 in FY18-19, which the department requests in addition to its annual Department appropriation. This includes possible transcription services.

EXPERT EXPENSES:

The Department will absorb any possible expert fees in FY18-19. However, estimates expert fees in FY19-20 at \$50,000.

Summary of Appropriation Request (pro-rated for two years):

	FY18-19	FY19-20 Est.
2 nd Chair, Keenan	\$250,000	
Mitigation/Investigation	\$150,000	
Extra-Help (Attorney and Investigator)	\$150,000	\$240,000
Discovery	\$50,000	\$50,000
Expert(s)	0	\$50,000
Totals	\$600,000	\$340,000

Prior Board Actions:			
3/21/1995 – Resolution Establishing Exemptions from Purchasing Procedures 2/4/1997 – Extraordinary Homicide – Appropriation Transfer 12/11/2007 – Appropriation Transfer for Capital Case			
Strategic Plan Alignment		Goal 1: Safe, Healthy, and Caring Community	
Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	0		
Additional Appropriation Requested	940,000		
Total Expenditures	940,000		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	0		
Use of Fund Balance			
Contingencies	940,000		
Total Sources	940,000		
Narrative Explanation of Fiscal Impacts:			
<p>Total costs to defend this case is estimated at \$940,000 over two years. Additional budget appropriations and Contingency funds in the amount of \$940,000 are being requested for FY 18-19 to ensure the Department has the resources to cover contracts and other case expenses for this trial. Alternatively, the Board could authorize \$600,000 in FY 18-19 General Fund Contingencies to cover the \$400,000 in contract obligations and \$200,000 in other case costs the Department anticipates incurring in FY 18-19. The Department would then have to request the remaining costs of \$340,000 for Extra Help and other related case expenses in the FY 19-20 Budget.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

3. Publication Instructions:	
4. Document Processing:	
5. Other:	
County Counsel approval: Printed Name:	Signature: Date:
Department Head approval: Printed Name:	Signature: Date:
Department Head approval-if Joint Item: Printed Name:	Signature: Date:
Department Head approval-if Joint Item: Printed Name:	Signature: Date:
Department Head approval-if Joint Item: Printed Name:	Signature: Date:



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Authorizing a Budgetary Adjustment to the 2018-2019 Final Budget for the Law Office of the
Public Defender in the Amount of \$940,000**

Whereas, The Board of Supervisors has adopted a Fiscal Year 2018-2019 Final Budget for the County of Sonoma Law Office of the Public Defender; and

Whereas, the Government Cod allows for adjustments to the Final Budget during the 2018-2019 Fiscal Year;

Now, Therefore, Be It Resolved that the County Auditor-Controller-Treasurer-Tax Collector is hereby authorized and directed to make all necessary operating transfers, accounting entries, and the following budgetary adjustments:

Fund ID	Department	Dept. ID	Acct. ID	Acct. Title	Amount
10005	PDO	28010100	50111	Extra Help	390,000
10005	PDO	28010100	51220	Research/Investigation	100,000
10005	PDO	28010100	51249	Other Professional Services	400,000
10005	PDO	28010100	51051	Expert Expense	50,000
10005	CAO	16021300	55011	Appropriations for Contingencies	(\$940,000)

Be It Further Resolved

Supervisors:

Gorin: Rabbitt: Zane: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.

Resolution #

Date:

Page 2



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 27
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Tasha Houweling 565-6032

Supervisorial District(s):

All

Title: Regional Parks Day Use Fee Waiver to Honor Veterans

Recommended Actions:

Approve waiver of day use fees throughout Sonoma County Regional Parks system for eligible military personnel and dependents for Veterans Day weekend, starting on Friday, November 9, 2018 through Monday, November 12, 2018.

Executive Summary:

As part of Sonoma County's annual recognition of veterans, the Regional Parks Department is recommending waiver of day use fees at all Sonoma County parks for the Veterans Day weekend, Friday, November 9, 2018 through Monday, November 12, 2018.

Discussion:

Veterans Day was established in 1919 as Armistice Day to commemorate the signing of the peace agreement that ended World War I on the 11th hour of the 11th day of the 11th month of 1918. Veterans Day has been set aside as both a federal, state, and county holiday to honor our American patriots who answered the call of duty, preserving our freedoms, and often making the ultimate sacrifice.

In conjunction with the Human Services resolution on today's agenda honoring November 11th, 2018 as Veterans Day in Sonoma County, Regional Parks recommends waiver of day use fees at all parks operated by Sonoma County for the entire Veterans Day weekend, starting on Friday, November 9, 2018 through Monday, November 12, 2018. This gesture will help recognize the sacrifice and contributions of the more than 27,000 Sonoma County Veterans and their families. Through their military service, individual sacrifice and sacrifices in their family lives, these individuals have provided a valuable public benefit to the citizens of Sonoma County, and moreover the United States of America. Active Duty, veteran or retired military personnel and dependents would be eligible for a waiver of the day use fee (\$7 per vehicle). All other County Park fees (e.g. camping, picnic area rental, etc.) would still apply.

A Veterans Day Weekend Pass would be provided to all individuals (both in-County and out-of-County residents) who present their valid United States military identification card, honorable discharge record (DD-214 or World War II service record), Veterans Affairs identification card, or Veterans ID card issued by Sonoma County Veterans Service Office to a Park Ranger or fee station attendant at a park or available for pickup at the Regional Parks Main Office or Human Services Veterans Service Office.

Prior Board Actions:

11/07/2017: the Board of Supervisors approved the request for waiving day use fees eligible military personnel and dependents for Veterans Day weekend; 11-01-2016: the Board of Supervisors approved the request for waiving day use fees for eligible military personnel and dependents for Veterans Day weekend; 10/20/2015: the Board of Supervisors approved the request for waiving day use fees for eligible military personnel and dependents for Veterans Day weekend.

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Providing a free Parks pass on Veterans Day is one small way our County shows its appreciation for the men and women who have served our country in the Armed Forces.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

The estimated revenue impact of \$1,925 assumes 275 veterans or their dependents will take advantage of the visit a park over the four day period. In FY 17-18 Regional Parks distributed 251 passes to veterans or qualified family members.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Related Items “On File” with the Clerk of the Board:			



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 28
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of Sonoma County

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Sheriff's Office

Staff Name and Phone Number:

Julie Bertoli, 565-1469; Lt. Dave House, 565-1699

Supervisorial District(s):

All Districts

Title: Involuntary Medication, California Penal Code Section 2603

Recommended Actions:

Designate the Sonoma County Sheriff's Office as the department who may administer involuntary medication to inmates in the jail on a non-emergency basis pursuant to California Penal Code Section 2603. The Sheriff's Office is requesting this designation to improve care for mentally ill inmates and to help mitigate distressing situations that may cause danger to inmates and correctional staff. If approved, the Sheriff's Office will be able to apply to the Superior Court for an order allowing the administration of involuntary medication to inmates, as specified in Penal Code Section 2603.

Executive Summary:

Pursuant to California Penal Code Section 2603, and in conjunction with a Judicial Order, a county department of mental health or other designated county department may administer involuntary medication on a non-emergency basis to inmates if certain specified conditions have been met. The Sheriff's Office is requesting this designation to prevent disruption of inmate mental health treatment.

Discussion:

Pursuant to California Penal Code Section 2603, a county department of mental health or other designated county department may administer involuntary medication on a non-emergency basis if certain specified conditions have been met (refer to attached full text of California Penal Code Section 2603).

Inmates housed in the Sheriff's adult detention facilities have the right to refuse medication. Prior to the adoption of Penal Code Section 2603, the Sheriff's Office lacked the ability to administer involuntary antipsychotic medication if an inmate did not provide informed consent to the medication, except in emergency situations or where the court ordered medication to restore the inmate to competency.

The Sheriff's Office is requesting your Board designate the Sheriff's Office as the appropriate County department to administer antipsychotic medications to inmates in the jail pursuant to Penal Code Section 2603, in order to provide critical psychiatric medication to inmates who meet the criteria. Significant delays in providing critical

psychiatric medication can result in increased psychiatric distress, and in some cases cause danger to the inmate and correctional staff.

The objective of involuntary treatment in non-emergency situations pursuant to Penal Code Section 2603 is to stabilize the inmate’s condition. If approved, the Sheriff’s Office will be able to apply to the Superior Court for an order allowing the administration of involuntary medication, as specified in Penal Code Section 2603.

Therefore, in consultation with our judicial partners and County Counsel, and as authorized under California Penal Code Section 2603, the Sheriff is requesting the Board to designate the Sonoma County Sheriff’s Office as the department who may administer involuntary medication (through their contracted medical provider and by trained and licensed medical personnel) to inmates in the jail on a non-emergency basis pursuant to California Penal Code Section 2603.

Prior Board Actions:

None.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Approval of this item aligns with the County of Sonoma Strategic Plan goal to create a safe, health, and caring community by improving the care of mentally ill inmates housed in the Sonoma County Detention Facilities.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

None.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
N/A.			
Attachments:			
Penal Code Section 2603 (Full Text)			
Related Items “On File” with the Clerk of the Board:			
None.			

State of California

PENAL CODE

Section 2603

2603. (a) Except as provided in subdivision (b), an inmate confined in a county jail shall not be administered any psychiatric medication without his or her prior informed consent.

(b) If a psychiatrist determines that an inmate should be treated with psychiatric medication, but the inmate does not consent, the inmate may be involuntarily treated with the medication. Treatment may be given on either a nonemergency basis as provided in subdivision (c), or on an emergency or interim basis as provided in subdivision (d).

(c) A county department of mental health, or other designated county department, may administer involuntary medication on a nonemergency basis only if all of the following conditions have been met:

(1) A psychiatrist or psychologist has determined that the inmate has a serious mental disorder.

(2) A psychiatrist or psychologist has determined that, as a result of that mental disorder, the inmate is gravely disabled and does not have the capacity to refuse treatment with psychiatric medications, or is a danger to self or others.

(3) A psychiatrist has prescribed one or more psychiatric medications for the treatment of the inmate's disorder, has considered the risks, benefits, and treatment alternatives to involuntary medication, and has determined that the treatment alternatives to involuntary medication are unlikely to meet the needs of the patient.

(4) The inmate has been advised of the risks and benefits of, and treatment alternatives to, the psychiatric medication and refuses, or is unable to consent to, the administration of the medication.

(5) The jail has made a documented attempt to locate an available bed for the inmate in a community-based treatment facility in lieu of seeking to administer involuntary medication. The jail shall transfer that inmate to such a facility only if the facility can provide care for the mental health needs, and the physical health needs, if any, of the inmate and upon the agreement of the facility. In enacting the act that added this paragraph, it is the intent of the Legislature to recognize the lack of community-based beds and the inability of many facilities to accept transfers from correctional facilities.

(6) The inmate is provided a hearing before a superior court judge, a court-appointed commissioner or referee, or a court-appointed hearing officer, as specified in subdivision (c) of Section 5334 of the Welfare and Institutions Code.

(A) If the inmate is in custody awaiting trial, any hearing pursuant to this section shall be held before, and any requests for ex parte orders shall be submitted to, a judge in the superior court where the criminal case is pending.

(B) A superior court judge may consider whether involuntary medication would prejudice the inmate's defense.

(7) (A) The inmate is provided counsel at least 21 days prior to the hearing, unless emergency or interim medication is being administered pursuant to subdivision (d), in which case the inmate would receive expedited access to counsel.

(B) In the case of an inmate awaiting arraignment, the inmate is provided counsel within 48 hours of the filing of the notice of the hearing with the superior court, unless counsel has previously been appointed.

(C) The hearing shall be held not more than 30 days after the filing of the notice with the superior court, unless counsel for the inmate agrees to extend the date of the hearing.

(8) (A) The inmate and counsel are provided with written notice of the hearing at least 21 days prior to the hearing, unless emergency or interim medication is being administered pursuant to subdivision (d), in which case the inmate would receive an expedited hearing.

(B) The written notice shall do all of the following:

(i) Set forth the diagnosis, the factual basis for the diagnosis, the basis upon which psychiatric medication is recommended, the expected benefits of the medication, any potential side effects and risks to the inmate from the medication, and any alternatives to treatment with the medication.

(ii) Advise the inmate of the right to be present at the hearing, the right to be represented by counsel at all stages of the proceedings, the right to present evidence, and the right to cross-examine witnesses. Counsel for the inmate shall have access to all medical records and files of the inmate, but shall not have access to the confidential section of the inmate's central file which contains materials unrelated to medical treatment.

(iii) Inform the inmate of his or her right to appeal the determination to the superior court or the court of appeal as specified in subdivisions (e) and (f) of Section 5334 of the Welfare and Institutions Code, and his or her right to file a petition for writ of habeas corpus with respect to any decision of the county department of mental health, or other designated county department, to continue treatment with involuntary medication after the superior court judge, court-appointed commissioner or referee, or court-appointed hearing officer has authorized treatment with involuntary medication.

(9) (A) In the hearing described in paragraph (6), the superior court judge, a court-appointed commissioner or referee, or a court-appointed hearing officer determines by clear and convincing evidence that the inmate has a mental illness or disorder, that as a result of that illness the inmate is gravely disabled and lacks the capacity to consent to or refuse treatment with psychiatric medications or is a danger to self or others if not medicated, that there is no less intrusive alternative to involuntary medication, and that the medication is in the inmate's best medical interest.

(B) The superior court judge, court-appointed commissioner or referee, or a court-appointed hearing officer shall not make a finding pursuant to subparagraph (A) of this paragraph that there is no less intrusive alternative to involuntary medication and that the medication is in the inmate's best medical interest, without information from the jail to indicate that neither of the conditions specified in paragraph (5) is present.

(C) If the court makes the findings in subparagraph (A), that administration shall occur in consultation with a psychiatrist who is not involved in the treatment of the inmate at the jail, if available.

(D) In the event of any statutory notice issues with either initial or renewal filings by the county department of mental health, or other designated county department, the superior court judge, court-appointed commissioner or referee, or court-appointed hearing officer shall hear arguments as to why the case should be heard, and shall consider factors such as the ability of the inmate's counsel to adequately prepare the case and to confer with the inmate, the continuity of care, and, if applicable, the need for protection of the inmate or institutional staff that would be compromised by a procedural default.

(10) The historical course of the inmate's mental disorder, as determined by available relevant information about the course of the inmate's mental disorder, shall be considered when it has direct bearing on the determination of whether the inmate is a danger to self or others, or is gravely disabled and incompetent to refuse medication as the result of a mental disorder.

(11) An inmate is entitled to file one motion for reconsideration following a determination that he or she may receive involuntary medication, and may seek a hearing to present new evidence, upon good cause shown. This paragraph does not prevent a court from reviewing, modifying, or terminating an involuntary medication order for an inmate awaiting trial, if there is a showing that the involuntary medication is interfering with the inmate's due process rights in the criminal proceeding.

(d) (1) (A) This section does not prohibit a physician from taking appropriate action in an emergency. An emergency exists when both of the following criteria are met:

(i) There is a sudden and marked change in an inmate's mental condition so that action is immediately necessary for the preservation of life or the prevention of serious bodily harm to the inmate or others.

(ii) It is impractical, due to the seriousness of the emergency, to first obtain informed consent.

(B) If psychiatric medication is administered during an emergency, the medication shall only be that which is required to treat the emergency condition and shall be administered for only so long as the emergency continues to exist.

(2) (A) If the clinicians of the county department of mental health, or other designated county department, identify a situation that jeopardizes the inmate's health or well-being as the result of a serious mental illness, and necessitates the continuation of medication beyond the initial 72 hours pending the full mental health hearing, the county department may seek to continue the medication by giving notice to the inmate

and his or her counsel of its intention to seek an ex parte order to allow the continuance of medication pending the full hearing, and filing an ex parte order within the initial 72-hour period. Treatment of the inmate in a facility pursuant to Section 4011.6 shall not be required in order to continue medication under this subdivision unless the treatment is otherwise medically necessary.

(B) The notice shall be served upon the inmate and counsel at the same time the inmate is given the written notice that the involuntary medication proceedings are being initiated and is appointed counsel as provided in subdivision (c).

(C) The order may be issued ex parte upon a showing that, in the absence of the medication, the emergency conditions are likely to recur. The request for an ex parte order shall be supported by an affidavit from the psychiatrist or psychologist showing specific facts.

(D) The inmate and the inmate's appointed counsel shall have two business days to respond to the county department's ex parte request to continue interim medication, and may present facts supported by an affidavit in opposition to the department's request. A superior court judge, a court-appointed commissioner or referee, or a court-appointed hearing officer shall review the ex parte request and shall have three business days to determine the merits of the department's request for an ex parte order.

(E) If an order is issued, the psychiatrist may continue the administration of the medication until the hearing described in paragraph (6) of subdivision (c) is held.

(3) If the county elects to seek an ex parte order pursuant to this subdivision, the county department of mental health, or other designated county department, shall file with the superior court, and serve on the inmate and his or her counsel, the written notice described in paragraph (8) of subdivision (c) within 72 hours of commencing medication pursuant to this subdivision, unless either of the following occurs:

(A) The inmate gives informed consent to continue the medication.

(B) A psychiatrist determines that the psychiatric medication is not necessary and administration of the medication is discontinued.

(4) If medication is being administered pursuant to this subdivision, the hearing described in paragraph (6) of subdivision (c) shall commence within 21 days of the filing and service of the notice, unless counsel for the inmate agrees to a different period of time.

(5) With the exception of the timeline provisions specified in paragraphs (3) and (4) for providing notice and commencement of the hearing in emergency or interim situations, the inmate shall be entitled to and be given the same due process protections as specified in subdivision (c). The county department of mental health, or other designated county department, shall prove the same elements supporting the involuntary administration of psychiatric medication and the superior court judge, court-appointed commissioner or referee, or court-appointed hearing officer shall be required to make the same findings described in subdivision (c).

(e) (1) (A) An order by the court authorizing involuntary medication of an inmate shall be valid for no more than one year after the date of determination.

(B) Notwithstanding subparagraph (A), in the case of an inmate who is awaiting arraignment, trial, or sentencing, the determination that an inmate may receive involuntary medication shall be valid for no more than 180 days. The court shall review the order at intervals of not more than 60 days to determine whether the grounds for the order remain. At each review, the psychiatrist shall file an affidavit with the court that ordered the involuntary medication affirming that the person who is the subject of the order continues to meet the criteria for involuntary medication. A copy of the affidavit shall be provided to the defendant and the defendant's attorney. In determining whether the criteria for involuntary medication still exist, the court shall consider the affidavit of the psychiatrist or psychiatrists and any supplemental information provided by the defendant's attorney. The court may also require the testimony from the psychiatrist, if necessary. The court, at each review, may continue the order authorizing involuntary medication, vacate the order, or make any other appropriate order.

(2) Notwithstanding subparagraph (A) of paragraph (1), any determination of an inmate's incapacity to refuse treatment with antipsychotic medication made pursuant to this section shall remain in effect only until one of the following occurs, whichever occurs first:

(A) The duration of the inmate's confinement ends.

(B) A court determines that the inmate no longer meets the criteria of subdivision (c) or (d), or by any other order of the court.

(3) An inmate's period of confinement may not be extended in order to provide treatment to the inmate with antipsychotic medication pursuant to this section.

(f) This section does not prohibit the court, upon making a determination that an inmate awaiting arraignment, preliminary hearing, trial, sentencing, or a postconviction proceeding to revoke or modify supervision may receive involuntary medication pursuant to subdivision (c) or (d), and, upon ex parte request of the defendant or counsel, from suspending all proceedings in the criminal prosecution, until the court determines that the defendant's medication will not interfere with his or her ability to meaningfully participate in the criminal proceedings.

(g) If a determination has been made to involuntarily medicate an inmate pursuant to subdivision (c) or (d), the medication shall be discontinued one year after the date of that determination, unless the inmate gives his or her informed consent to the administration of the medication, or unless a new determination is made pursuant to the procedures set forth in subdivision (h).

(h) To renew an existing order allowing involuntary medication, the county department of mental health, or other designated county department, shall file with the superior court, and shall serve on the inmate and his or her counsel, a written notice indicating the department's intent to renew the existing involuntary medication order.

(1) The request to renew the order shall be filed and served no later than 21 days prior to the expiration of the current order authorizing involuntary medication.

(2) The inmate shall be entitled to, and shall be given, the same due process protections as specified in subdivision (c).

(3) (A) Except as provided in subparagraph (B), renewal orders shall be valid for one year from the date of the hearing.

(B) In the case of an inmate awaiting arraignment, trial, or sentencing, the renewal order shall be valid for no more than 180 days. The court shall review the order at intervals of not more than 60 days to determine whether the grounds for the order remain. At each review, the psychiatrist shall file an affidavit with the court that ordered the involuntary medication affirming that the person who is the subject of the order continues to meet the criteria for involuntary medication. A copy of the affidavit shall be provided to the defendant and the defendant's attorney. In determining whether the criteria for involuntary medication still exist, the court shall consider the affidavit of the psychiatrist or psychiatrists and any supplemental information provided by the defendant's attorney. The court may also require the testimony from the psychiatrist, if necessary. The court, at each review, may continue the order authorizing involuntary medication, vacate the order, or make any other appropriate order.

(4) (A) An order renewing an existing order shall be granted based on clear and convincing evidence that the inmate has a serious mental disorder that requires treatment with psychiatric medication, and that, but for the medication, the inmate would revert to the behavior that was the basis for the prior order authorizing involuntary medication, coupled with evidence that the inmate lacks insight regarding his or her need for the medication, such that it is unlikely that the inmate would be able to manage his or her own medication and treatment regimen. No new acts need be alleged or proven.

(B) The superior court judge, court-appointed commissioner or referee, or a court-appointed hearing officer shall also make a finding that treatment of the inmate in a correctional setting continues to be necessary if neither of the criteria in paragraph (5) of subdivision (c) is present.

(5) If the county department of mental health, or other designated county department, wishes to add a basis to an existing order, it shall give the inmate and the inmate's counsel notice in advance of the hearing via a renewal notice or supplemental petition. Within the renewal notice or supplemental petition, as described in subdivision (h), the county department of mental health, or other designated county department, shall specify what additional basis is being alleged and what qualifying conduct within the past year supports that additional basis. The county department of mental health, or other designated county department, shall prove the additional basis and conduct by clear and convincing evidence at a hearing as specified in subdivision (c).

(6) The hearing on any petition to renew an order for involuntary medication shall be conducted prior to the expiration of the current order.

(i) In the event of a conflict between the provisions of this section and the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of the Government Code), this section shall control.

(j) As used in this section, "inmate" means a person confined in the county jail, including, but not limited to, a person sentenced to imprisonment in a county jail, a person housed in a county jail during or awaiting trial proceedings, and a person who has been booked into a county jail and is awaiting arraignment.

(k) This section does not apply to a person housed in a county jail solely on the basis of an immigration hold, except as it applies to medication provided on an emergency or interim basis as provided in subdivision (d).

(l) Each county that administers involuntary medication to an inmate awaiting arraignment, trial, or sentencing, shall file, by January 1, 2021, a written report with the Assembly Committees on Judiciary and Public Safety and the Senate Committee on Public Safety summarizing the following: the number of inmates who received involuntary medication while awaiting arraignment, trial, or sentencing between January 1, 2018, and July 1, 2020; the crime for which those inmates were arrested; the total time those inmates were detained while awaiting arraignment, trial, or sentencing; the duration of the administration of involuntary medication; the reason for termination of administration of involuntary medication; the number of times, if any, that an existing order for the administration of involuntary medication was renewed; and the reason for termination of the administration of involuntary medication.

(m) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, which is chaptered before that date, deletes or extends the date.

(Amended by Stats. 2017, Ch. 347, Sec. 2. (AB 720) Effective January 1, 2018. Repealed as of January 1, 2022, by its own provisions. See later operative version added by Sec. 3 of Stats. 2017, Ch. 347)



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 29
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Johannes J. Hoevertsz (707) 565-2231

Supervisorial District(s):

First and Fourth

Title: 2018 Hazard Tree Removal Project – Road Right-of-Way Trees, Project # M11719

Recommended Actions:

Approve and authorize the Chair to execute an agreement for construction inspection services with Coastland Civil Engineering Inc. for the 2018 Hazard Tree Removal Project – Road Right-of-Way Trees, Project # M11719, for an amount not to exceed \$205,025 including a \$50,000 contingency. This agreement is for a term ending June 30, 2019.

Executive Summary:

The 2018 Hazard Tree Removal Project – Road Right-of-Way Trees includes removal of approximately 560 fire-damaged trees located within the public right-of-way. This project requires that the volume of debris removed be recorded and that the debris be tracked from the initial removal to the final disposal location. To meet these requirements, the department requires extensive field inspection services and logistical support, which currently exceeds in-house capacity. Competitive proposals were requested from consulting firms and Coastland Civil Engineering, Inc. were selected as the highest-ranking proposer.

Discussion:

Following the October 2017 wildfires, the County of Sonoma hired a professional arborist consultant to evaluate the health of fire-damaged trees along approximately 90 miles of roads in burned areas of Sonoma County. County crews and contractors removed trees along roads that posed an imminent threat to road users. The remaining trees in burned areas were assessed to determine the potential of failure based on the damage incurred, and the subsequent risk they posed to public safety if they were to fail into the public roadway. Trees identified as a risk to public safety were inventoried with GPS coordinates, tagged with a small metal plate, and categorized as presenting an “Extreme,” “High,” or “Moderate” risk of failing within a year timeframe.

On October 16, 2018, this Board awarded a contract for removal of “Extreme” and “High” risk trees within the public right-of-way. The department is seeking reimbursement from FEMA for project costs, including

construction management and inspection costs. At this time however, FEMA has not confirmed they will reimburse TPW for work performed under this project. A key metric for FEMA reimbursement is the volume of debris this project generates and tracking the debris from initial removal to final disposal location. Providing this level of on-the-ground inspection will require at least two fulltime, experienced construction inspectors as well as office support. This effort exceeds the Department’s in-house capacity as resources have already diverted to other ongoing projects.

In 2015, the Department released a Request for Qualifications for On Call Construction Inspection and Management Services and selected a shortlist of qualifying firm. For the inspection services for the Hazard Tree Removal Project, the Department released a Request for Proposals to the firms on the shortlist. Coastland Civil Engineering, Inc. was selected as the highest-ranking proposer, and was the best fit to provide these inspection services, which are crucial to the successful completion of this tree removal project.

Prior Board Actions:

10-16-18 Award of 2018 Hazard Tree Removal Project – Public Trees, Project # M11719, to Richard Smith, doing business as Bay Area Tree Specialists.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

This project helps to make our communities safer by removing dead and dying trees from the public right-of-way and ensuring they do not represent a hazard to road users.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	205,025		
Additional Appropriation Requested			
Total Expenditures	205,025		

Funding Sources

General Fund/WA GF			
State/Federal	199,899		
Fees/Other			
Use of Fund Balance	5,126		
Contingencies			
Total Sources	205,025		

Narrative Explanation of Fiscal Impacts:

Costs for the Inspection Services will be paid from the Roads Maintenance Fund and are anticipated to be reimbursed with FEMA funding. The Hazard Tree Removal Project falls into FEMA Category A (Debris Removal), and is anticipated to be reimbursed at 90%. CalOES will match 7.5% of costs and the TPW will pay for the remaining 2.5% of costs through Roads fund balance. A budget adjustment will be requested

to increase the appropriations for project costs and corresponding reimbursement revenue at and the County will cover the remaining 2.5% Mid-Year Consolidated Budget Adjustments.

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Agreement

Related Items “On File” with the Clerk of the Board:

Standard Professional Services Agreement (“PSA”)
Federal Funds

AGREEMENT FOR PROFESSIONAL SERVICES

This agreement ("Agreement"), dated as of _____, 20__ (“Effective Date”) is by and between the County of Sonoma, a political subdivision of the State of California (hereinafter "County"), and Coastland Civil Engineering, Inc., a California corporation (hereinafter "Consultant").

RECITALS

WHEREAS, Consultant represents that it is a duly qualified, experienced in Construction Management, Construction Inspection, and related services; and

WHEREAS, in the judgment of the Department of Transportation & Public Works, it is necessary and desirable to employ the services of Consultant for Construction Management and Inspection Services related to the 2018 Hazard Tree Removal Project – Public Trees.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

1. Scope of Services

1.1. Consultant's Specified Services

Consultant shall perform the services described in Exhibit “B,” attached hereto and incorporated herein by this reference (hereinafter "Scope of Work"), and within the times or by the dates provided for in Exhibit “B” and pursuant to Article 7, Prosecution of Work. In the event of a conflict between the body of this Agreement and Exhibit “B”, the provisions in the body of this Agreement shall control.

1.2. Cooperation With County

Consultant shall cooperate with County and County staff in the performance of all work hereunder.

1.3. Federal Requirements

Consultant shall comply with all applicable Federal Requirements attached hereto as Exhibit “A”. In the event of any conflict between the applicable Federal Requirements attached hereto as Exhibit “A” and the body of this Agreement, the terms contained in Exhibit “A” shall control.

1.4. Performance Standard

Consultant shall perform all work hereunder in a manner consistent with the level of competency and standard of care normally observed by a person practicing in Consultant's profession. County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees to provide all services under this Agreement in accordance with generally accepted professional practices and standards of care, as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant’s work by County shall not operate as a waiver or release. If County determines that any of Consultant's work is not in accordance with such level of competency and standard of care, County, in its sole discretion, shall have the right to do any or all of the following: (a) require Consultant to meet with County to review the quality of the work and resolve matters of concern; (b) require Consultant to repeat the work at no

additional charge until it is satisfactory; (c) terminate this Agreement pursuant to the provisions of Article 4; or (d) pursue any and all other remedies at law or in equity.

1.5. Assigned Personnel

Consultant shall assign only competent personnel to perform work hereunder. In the event that at any time County, in its sole discretion, desires the removal of any person or persons assigned by Consultant to perform work hereunder, Consultant shall remove such person or persons immediately upon receiving written notice from County.

Any and all persons identified in this Agreement or any exhibit hereto as the project manager, project team, or other professional performing work hereunder are deemed by County to be key personnel whose services were a material inducement to County to enter into this Agreement, and without whose services County would not have entered into this Agreement. Consultant shall not remove, replace, substitute, or otherwise change any key personnel without the prior written consent of County. With respect to performance under this Agreement, Consultant shall employ the following key personnel: Mike Janet.

In the event that any of Consultant's personnel assigned to perform services under this Agreement become unavailable due to resignation, sickness or other factors outside of Consultant's control, Consultant shall be responsible for timely provision of adequately qualified replacements.

1.6. Consultant's Reports or Meetings

Consultant shall submit progress reports at least once a month. The report should be sufficiently detailed for the Contract Administrator to determine, if Consultant is performing to expectations, or is on schedule; to provide communication of interim findings, and to sufficiently address any difficulties or special problems encountered, so remedies can be developed.

Consultant's Project Manager shall meet with County's Contract Administrator, as needed, to discuss progress on the Agreement.

2. Allowable Costs and Payments

2.1. Method of payment

Consultant will be reimbursed for hours worked at the hourly rates specified in Consultant's Cost Proposal (in Exhibit B "Scope of Services"). The specified hourly rates shall include direct salary costs, employee benefits, overhead, and fee. These rates are not adjustable for the performance period set forth in this Agreement.

In addition, Consultant will be reimbursed for incurred (actual) direct costs other than salary costs that are in the cost proposal and identified in the Cost Proposal.

2.2. Transportation & Subsistence

Reimbursement for transportation and subsistence costs shall not exceed the rates specified in the approved Cost Proposal.

2.3. Milestone Costs

When milestone cost estimates are included in the approved Cost Proposal, Consultant shall obtain prior written approval for a revised milestone cost estimate from the County's Contract Administrator before exceeding such cost estimate.

2.4. Progress Payments

Progress payments will be made monthly in arrears based on services provided and actual costs incurred.

2.5. Payment

No payment will be made prior to approval of any work, nor for any work performed prior to approval of this Agreement.

2.6. Invoices

Consultant will be reimbursed, as promptly as fiscal procedures will permit upon receipt by County's Contract Administrator of itemized invoices. Invoices shall be submitted no later than 45 calendar days after the performance of work for which Consultant is billing. Invoices shall detail the work performed on each milestone, on each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference "M11719 2018 Hazard Tree Removal Project – Public Trees". Invoices shall be mailed to County's Contract Administrator at the following address:

Sarah Fredericks
County of Sonoma Department of Transportation and Public Works
2300 County Center Drive, B100
Santa Rosa, CA 95403

2.7. Contract Value

The total amount payable by County for all work resulting from this Agreement, including authorized contingency, shall not exceed \$205,025.

2.8. Contingency

A \$50,000 contingency will be paid for authorized services as deemed necessary for services not included in Exhibit B. Work shall not commence on any contingency services until written authorization is received from the Transportation and Public works Director or their designee. Any contingency work done without written authorization may not be reimbursable.

2.9. Salary Increases

Salary increases will be reimbursable if the new salary is within the salary range identified in the approved Cost Proposal and is approved by County's Contract Administrator.

For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases, which are the direct result of changes in the prevailing wage rates are reimbursable. Invoicing Consultant shall submit its bills in arrears on a monthly basis in a form approved by County's Auditor and the Head of the County Department receiving the services. The bills shall show or include: (i) the task(s) performed; (ii) the time in quarter hours devoted to the task(s); (iii) the hourly rate or rates of the persons performing the task(s); and (iv) copies of receipts for reimbursable materials/expenses, if any. Expenses not expressly authorized by the Agreement shall not be reimbursed, including a copy of all invoices paid to sub-consultants for work required included in the prime consultant's invoice. Consultant shall submit the Subconsultant Payment Declaration with each invoice.

Unless otherwise noted in this agreement, payments shall be made within the normal course of County business after presentation of an invoice in a form approved by the County for services performed. Payments shall be made only upon the satisfactory completion of the services as determined by the County.

2.11. Taxes

Pursuant to California Revenue and Taxation code (R&TC) Section 18662, the County shall withhold seven percent of the income paid to Consultant for services performed within the State of California under this agreement, for payment and reporting to the California Franchise Tax Board, if Consultant does not qualify as: (1) a corporation with its principal place of business in California, (2) an LLC or

Partnership with a permanent place of business in California, (3) a corporation/LLC or Partnership qualified to do business in California by the Secretary of State, or (4) an individual with a permanent residence in the State of California.

If Consultant does not qualify, County requires that a completed and signed Form 587 be provided by the Consultant in order for payments to be made. If consultant is qualified, then the County requires a completed Form 590. Forms 587 and 590 remain valid for the duration of the Agreement provided there is no material change in facts. By signing either form, the Consultant agrees to promptly notify the County of any changes in the facts. Forms should be sent to the County pursuant to Article 12. To reduce the amount withheld, Consultant has the option to provide County with either a full or partial waiver from the State of California.

3. Term of Agreement

This Agreement shall go into effect on Effective Date, contingent upon approval by County, and Consultant shall commence work after notification to proceed by County's Contract Administrator. The Agreement shall end on June 30, 2019, unless extended by contract amendment.

Consultant is advised that any recommendation for contract award is not binding on County until the Agreement is fully executed and approved by County.

4. Termination

4.1. Notice Period

County reserves the right to terminate this Agreement upon thirty (30) calendar days written notice to Consultant with the reasons for termination stated in the notice.

4.2. Grounds for Termination

County may terminate this Agreement with Consultant should Consultant fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination, County may proceed with the work in any manner deemed proper by County. If County terminates this Agreement with Consultant, County shall pay Consultant the sum due to Consultant under this Agreement prior to termination, unless the cost of completion to County exceeds the funds remaining in the Agreement. In which case the overage shall be deducted from any sum due Consultant under this Agreement and the balance, if any, shall be paid to Consultant upon demand.

4.3. Liability

The maximum amount for which the Government shall be liable if this Agreement is terminated is \$205,025 dollars.

4.4. Authority to Terminate

The Board of Supervisors has the authority to terminate this Agreement on behalf of the County. In addition, the Purchasing Agent or Department Head, in consultation with County Counsel, shall have the authority to terminate this Agreement on behalf of the County.

5. Indemnification

Consultant agrees to accept all responsibility for loss or damage to any person or entity, including County, and to indemnify, hold harmless, and release County, its officers, agents, and employees, from and against any actions, claims, damages, liabilities, disabilities, or expenses, that may be asserted by any person or entity, including Consultant, that arise out of, pertain to, or relate to Consultant's or its agents', employees', contractors', subcontractors', subconsultants' or invitees' performance or

obligations under this Agreement. Consultant agrees to provide a complete defense for any claim or action brought against County based upon a claim relating to such Consultant's or its agents', employees', subconsultants', subcontractors', or invitees' performance or obligations under this Agreement. Consultant's obligations under this Section apply whether or not there is concurrent negligence on County's part, but to the extent required by law, excluding liability due to County's conduct. County shall have the right to select its legal counsel at Consultant's expense, subject to Consultant's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Consultant or its agents under workers' compensation acts, disability benefits acts, or other employee benefit acts. The above defense and indemnity obligations shall be limited, with respect to any design professional services provided and to the extent required by Civil Code Section 2782.8, to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the design professional.

6. Insurance

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subconsultants, consultants, and other agents to maintain, insurance as described in Exhibit C, which is attached hereto and incorporated herein by this reference.

7. Prosecution of Work

The execution of this Agreement shall constitute Consultant's authority to proceed immediately with the performance of this Agreement. Performance of the services hereunder shall be completed within the time required herein, provided, however, that if the performance is delayed by earthquake, flood, high water, or other Act of God or by strike, lockout, or similar labor disturbances, the time for Consultant's performance of this Agreement shall be extended by a number of days equal to the number of days Consultant has been delayed.

8. Extra or Changed Work

Extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both parties. Minor changes, which do not increase the amount paid under the Agreement, and which do not significantly change the scope of work or significantly lengthen time schedules may be executed by the Department Head in a form approved by County Counsel. The Board of Supervisors/Purchasing Agent must authorize all other extra or changed work. The parties expressly recognize that, pursuant to Sonoma County Code Section 1-11, County personnel are without authorization to order extra or changed work or waive Agreement requirements. Failure of Consultant to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter Consultant shall be entitled to no compensation whatsoever for the performance of such work. Consultant further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of the County.

9. Representations of Consultant

9.1. Standard of Care

County has relied upon the professional ability and training of Consultant as a material inducement to enter into this Agreement. Consultant hereby agrees that all its work will be performed and that its operations shall be conducted in accordance with generally accepted and applicable professional

practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Consultant's work by County shall not operate as a waiver or release.

9.2. Status of Consultant

The parties intend that Consultant, in performing the services specified herein, shall act as an independent contractor and shall control the work and the manner in which it is performed. Consultant is not to be considered an agent or employee of County and is not entitled to participate in any pension plan, worker's compensation plan, insurance, bonus, or similar benefits County provides its employees. In the event County exercises its right to terminate this Agreement pursuant to Article 4, above, Consultant expressly agrees that it shall have no recourse or right of appeal under rules, regulations, ordinances, or laws applicable to employees.

9.3. No Suspension or Debarment

Consultant's signature affixed herein, shall constitute a certification under penalty of perjury under the laws of the State of California, that Consultant has complied with Title 2 CFR, Part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (nonprocurement)", which certifies that he/she or any person associated therewith in the capacity of owner, partner, director, officer, or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to County.

Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining Consultant responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action.

Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal Highway Administration.

9.4. Taxes

Consultant agrees to file federal and state tax returns and pay all applicable taxes on amounts paid pursuant to this Agreement and shall be solely liable and responsible to pay such taxes and other obligations, including, but not limited to, state and federal income and FICA taxes. Consultant agrees to indemnify and hold County harmless from any liability which it may incur to the United States or to the State of California as a consequence of Consultant's failure to pay, when due, all such taxes and obligations. In case County is audited for compliance regarding any withholding or other applicable taxes, Consultant agrees to furnish County with proof of payment of taxes on these earnings.

9.5. Records Maintenance

Consultant shall keep and maintain full and complete documentation and accounting records concerning all services performed that are compensable under this Agreement and shall make such documents and records available to County for inspection at any reasonable time. Consultant shall maintain such records for a period of four (4) years following completion of work hereunder.

9.6. Conflict of Interest

9.6.1. Consultant shall disclose any financial, business, or other relationship with County that may have an impact upon the outcome of this Agreement, or any ensuing County construction project. Consultant shall also list current clients who may have a financial interest in the

outcome of this Agreement, or any ensuing County construction project, which will follow.

- 9.6.2. Consultant hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this Agreement.
- 9.6.3. Consultant hereby certifies that neither Consultant, nor any firm affiliated with Consultant will bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this Agreement. An affiliated firm is one, which is subject to the control of the same persons through joint-ownership, or otherwise.
- 9.6.4. Consultant hereby certifies that neither Consultant, its employees, nor any firm affiliated with Consultant providing services on this project prepared the Plans, Specifications, and Estimate for any construction project included within this Agreement. An affiliated firm is one, which is subject to the control of the same persons through joint- ownership, or otherwise.
- 9.6.5. Consultant further certifies that neither Consultant, nor any firm affiliated with Consultant, will bid on any construction subcontracts included within the construction contract. Additionally, Consultant certifies that no person working under this Agreement is also employed by the construction contractor for any project included within this Agreement.
- 9.6.6. Except for subconsultants whose services are limited to materials testing, no subconsultant who is providing service on this Agreement shall have provided services on the design of any project included within this Agreement.

9.7. Statutory Compliance

Consultant agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, Consultant expressly agrees, on behalf of itself and on behalf of all its agents, employees, subconsultants, and subcontractors, to comply with the federal contract requirements set forth in Section 13 herein.

9.8. Living Wage Ordinance.

Consultant agrees to comply with all applicable federal, state and local laws, regulations, statutes and policies, including but not limited to the County of Sonoma Living Wage Ordinance, applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, Consultant expressly acknowledges and agrees that this Agreement is subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.

9.9. Nondiscrimination

Without limiting any other provision hereunder, Consultant shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, pregnancy, disability, sexual orientation or other prohibited basis, including without limitation, the County's Non-Discrimination Policy. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated herein by this reference.

9.10. Statement of Compliance

Consultant's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that Consultant has, unless exempt, complied with, the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Administrative Code, Section 11102.

During the performance of this Agreement, Consultant and its subconsultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Consultant and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Consultant and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Consultant and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

The Consultant shall comply with regulations relative to Title VI (nondiscrimination in federally-assisted programs of the Department of Transportation – Title 49 Code of Federal Regulations, Part 21 - Effectuation of Title VI of the 1964 Civil Rights Act). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the state of California shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.

The Consultant, with regard to the work performed by it during the Agreement shall act in accordance with Title VI. Specifically, the Consultant shall not discriminate on the basis of race, color, national origin, religion, sex, age, or disability in the selection and retention of Subconsultants, including procurement of materials and leases of equipment. The Consultant shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the U.S. DOT's Regulations, including employment practices when the Agreement covers a program whose goal is employment.

9.11. AIDS Discrimination

Consultant agrees to comply with the provisions of Chapter 19, Article II, of the Sonoma County Code prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection during the term of this Agreement and any extensions of the term.

9.12. Assignment of Rights

Consultant assigns to County all rights throughout the world in perpetuity in the nature of copyright, trademark, patent, right to ideas, in and to all versions of the plans and specifications, if any, now or later prepared by Consultant in connection with this Agreement. Consultant agrees to take such actions as are necessary to protect the rights assigned to County in this Agreement, and to refrain from taking any action which would impair those rights. Consultant's responsibilities under this provision include, but are not limited to, placing proper notice of copyright on all versions of the plans and specifications as County may direct, and refraining from disclosing any versions of the plans and specifications to any third party without first obtaining written permission of County.

Consultant shall not use or permit another to use the plans and specifications in connection with this or any other project without first obtaining written permission of County.

9.13. Ownership and Disclosure of Work Product

All reports, original drawings, graphics, plans, studies, and other data or documents (“documents”), in whatever form or format, assembled or prepared by Consultant or Consultant’s subcontractors, subconsultants, and other agents in connection with this Agreement shall be the property of County. County shall be entitled to immediate possession of such documents upon completion of the work pursuant to this Agreement. Upon expiration or termination of this Agreement, Consultant shall promptly deliver to County all such documents, which have not already been provided to County in such form or format, as County deems appropriate. Such documents shall be and will remain the property of County without restriction or limitation. Consultant may retain copies of the above-described documents but agrees not to disclose or discuss any information gathered, discovered, or generated in any way through this Agreement without the express written permission of County.

9.14. Authority

The undersigned hereby represents and warrants that he or she has authority to execute and deliver this Agreement on behalf of Consultant.

10. Demand for Assurance

Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article limits County’s right to terminate this Agreement pursuant to Article 4.

11. Assignment and Delegation

Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.

12. Method and Place of Giving Notice, Submitting Bills and Making Payments

All notices, bills, and payments shall be made in writing and shall be given by personal delivery or by U.S. Mail or courier service. Notices, bills, and payments shall be addressed as follows:

To County:

Sonoma County Department of Transportation and Public Works
Attn: Sarah Fredericks
2300 County Center Drive, Suite B-100 Santa Rosa, CA 95403
(707) 565-2231

To Consultant:

Coastland Civil Engineering
Attn: Mike Janet
1400 Neotomas Avenue
Santa Rosa, CA 95405
(707) 571-8005
janet@coastlandcivil.com

When a notice, bill or payment is given by a generally recognized overnight courier service, the notice, bill or payment shall be deemed received on the next business day. When a copy of a notice, bill or payment is sent by facsimile or email, the notice, bill or payment shall be deemed received upon transmission as long as (1) the original copy of the notice, bill or payment is promptly deposited in the U.S. mail and postmarked on the date of the facsimile or email (for a payment, on or before the due date), (2) the sender has a written confirmation of the facsimile transmission or email, and (3) the facsimile or email is transmitted before 5 p.m. (recipient's time). In all other instances, notices, bills and payments shall be effective upon receipt by the recipient. Changes may be made in the names and addresses of the person to whom notices are to be given by giving notice pursuant to this Article.

13. Miscellaneous Provisions.

13.1. No Waiver of Breach

The waiver by County of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or provision or any subsequent breach of the same or any other term or promise contained in this Agreement.

13.2. Construction

To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby. Consultant and County acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Consultant and County acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

13.3. Consent

Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.

13.4. No Third Party Beneficiaries

Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13.5. Applicable Law and Forum

This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of

this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or the forum nearest to the city of Santa Rosa, in the County of Sonoma.

13.6. Captions

The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

13.7. Merger

This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

13.8. Survival of Terms

All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

13.9. Time of Essence

Time is and shall be of the essence of this Agreement and every provision hereof.

13.10. Rebates, Kickback or Other Unlawful Consideration

Consultant warrants that this Agreement was not obtained or secured through rebates kickbacks or other unlawful consideration, either promised or paid to any County employee. For breach or violation of this warranty, County shall have the right in its discretion; to terminate the Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the Agreement price; or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

13.11. Funding Requirements.

13.11.1. It is mutually understood between the parties that this Agreement may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the Agreement were executed after that determination was made.

13.11.2. This Agreement is valid and enforceable only, if sufficient funds are made available to County for the purpose of this Agreement. In addition, this Agreement is subject to any additional restrictions, limitations, conditions, or any statute enacted by the Congress, State Legislature, or County Board of Supervisors that may affect the provisions, terms, or funding of this Agreement in any manner.

13.11.3. It is mutually agreed that if sufficient funds are not appropriated, this Agreement may be amended to reflect any reduction in funds.

13.11.4. County has the option to void the Agreement under the 30-day termination clause pursuant to Article 4, or by mutual agreement to amend the Agreement to reflect any reduction of funds.

13.12. Evaluation of Consultant.

Consultant's performance will be evaluated by County. A copy of the evaluation will be sent to Consultant for comments. The evaluation together with the comments shall be retained as part of the contract record.

13.13. Claims Filed By County's Construction Contractor

13.13.1. If claims are filed by County's construction contractor relating to work performed by Consultant's personnel, and additional information or assistance from Consultant's personnel is required in order to evaluate or defend against such claims; Consultant agrees to make its personnel available for consultation with County's construction contract administration and legal staff and for testimony, if necessary, at depositions and at trial or arbitration proceedings.

13.13.2. Consultant's personnel that County considers essential to assist in defending against construction contractor claims will be made available on reasonable notice from County. Consultation or testimony will be reimbursed at the same rates, including travel costs that are being paid for Consultant's personnel services under this Agreement.

13.13.3. Services of Consultant's personnel in connection with County's construction contractor claims will be performed pursuant to a written contract amendment, if necessary, extending the termination date of this Agreement in order to resolve the construction claims.

13.14. National Labor Relations Board Certification

In accordance with Public Contract Code Section 10296, Consultant hereby states under penalty of perjury that no more than one final non-appealable finding of contempt of court by a federal court has been issued against Consultant within the immediately preceding two-year period, because of Consultant's failure to comply with an order of a federal court that orders Consultant to comply with an order of the National Labor Relations Board.

13.15. Retention of Funds.

Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this section.

No retainage will be withheld by the County from progress payments due the prime consultant. Retainage by the prime consultant or subconsultants is prohibited, and no retainage will be held by the prime consultant from progress due subconsultants. Any violation of this provision shall subject the violating prime consultant or subconsultants to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the prime consultant or subconsultant in the event of a dispute involving late payment or nonpayment by the prime consultant or deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE prime consultants and subconsultants.

13.16. Contingent Fee

Consultant warrants, by execution of this Agreement that no person or selling agency has been employed, or retained, to solicit or secure this eAgreement upon an agreement or understanding, for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or bona fide established commercial or selling agencies maintained by Consultant for the purpose of securing business. For breach or violation of this warranty, County has the right to annul this Agreement without liability; pay only for the value of the work actually performed, or in its discretion to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

13.17. Inspection of Work

Consultant and any subconsultant shall permit County, the state, and the FHWA if federal participating

funds are used in this Agreement; to review and inspect the project activities and files at all reasonable times during the performance period of this Agreement including review and inspection on a daily basis.

13.18. Safety

13.18.1. Consultant shall comply with OSHA regulations applicable to Consultant regarding necessary safety equipment or procedures. Consultant shall comply with safety instructions issued by County Safety Officer and other County representatives. Consultant personnel shall wear hard hats and safety vests at all times while working on the construction project site.

13.18.2. Pursuant to the authority contained in Section 591 of the Vehicle Code, County has determined that such areas are within the limits of the project and are open to public traffic. Consultant shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. Consultant shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.

13.18.3. Any subcontract entered into as a result of this Agreement, shall contain all of the provisions of this Article.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

SIGNATURES FOLLOW ON NEXT PAGE -

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CONSULTANT:

By: _____

Name: _____

Title: _____

Date: _____

Name: _____

Title: _____

Date: _____

COUNTY OF SONOMA:

CERTIFICATES OF INSURANCE ON
FILE WITH AND APPROVED AS
TO SUBSTANCE FOR COUNTY:

By: _____

Department Head

Date: _____

APPROVED AS TO FORM FOR
COUNTY:

By: _____

County Counsel

Date: _____

By: _____

Chair Board of Supervisors

Date: _____

ATTEST

By: _____

Clerk of the Board of Supervisors

Exhibit A
FEDERAL REQUIREMENTS – FEMA
TPW Caltrans Spec. – Construction and Services Agreements
[Revise date 9-19-18]

1. DEFINITIONS

- 1.1. **Government** means the United States of America and any executive department or agency thereof.
- 1.2. **FEMA** means the Federal Emergency Management Agency.
- 1.3. **Third Party Subcontract** means a subcontract at any tier entered into by Contractor or any subcontractor, financed in whole or in part with federal assistance derived from the Federal Emergency Management Agency.
- 1.4. For purposes of this Exhibit, **Contractor** means the Contractor or Consultant as identified in the Agreement, and shall sometimes be referred to as “contractor.”
- 1.5. **Agreement** means that certain Agreement between the County of Sonoma (“County”) and Contractor, and to which this Exhibit is made a part.

2. FEDERAL REQUIREMENTS

- 2.1. Contractor acknowledges that FEMA financial assistance will be used to fund this Agreement.
- 2.2. Contractor shall at all times comply with all applicable federal laws, regulations, executive orders, Office of Budget and Management circulars, and FEMA policies, procedures, and directives, as they may be amended or promulgated from time to time during the term of this Agreement, including but not limited to those requirements of 2 C.F.R.¹ 200.317 through 200.326 and Appendix II to 2 CFR Part 200—“Contract Provisions for non–Federal Entity Contracts Under Federal Awards,” which is included herein by reference; and including the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990, the Civil Rights Act of 1964 (Title VI); the Civil Rights Act of 1968 (Title VIII); the Drug-Free Workplace Act of 1988; the Drug Abuse Office and Treatment Act of 1972; the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970; the Public Health Service Act of 1912; the Education Amendments of 1972 (Title IX); the Equal Opportunity in Education Act; the Energy Policy and Conservation Act; the False Claims Act; the Hotel and Motel Fire Safety Act of 1990; the National Environmental Policy Act; the Rehabilitation Act of 1973; the Whistleblower Protection Act; the Hatch Act (5 U.S.C.² 1501 et seq.); and all related and Department of Homeland Security--mandated federal regulations, including 44 CFR Part 7.
- 2.3. Whether or not expressly set forth herein, all contractual provisions required by FEMA are hereby incorporated by reference. In the event of any conflict between any provision of this Agreement or any FEMA term, condition, or requirement, the stricter standard shall apply. Contractor shall refer any inconsistency or perceived inconsistency between this Agreement and any federal requirement to County for guidance. Contractor shall not perform any act, fail to perform any act, or refuse to comply with any requests that would cause County to be in violation of any FEMA term, condition, or requirement.

¹ Code of Federal Regulations (“CFR”).

² United States Code (“USC”).

- 2.4. Contractor acknowledges that this Agreement may be subject to grant assurances mandated by funding federal agencies. In such event, this Agreement shall be subject to and subordinate to all such grant assurances in effect at all times during the term of this Agreement. Any grant assurances mandated by any federal funding agency for inclusion after the execution date of this Agreement shall be deemed by the parties to have been incorporated herein.
- 2.5. Contractor must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
- 2.6. The Government shall enjoy the right to seek judicial enforcement of any law, regulation, condition, or provision stated herein.
- 2.7. Drug-free workplace. Contractor acknowledges County maintains a drug-free workplace plan. Contractor shall comply with applicable requirements of that plan and otherwise comply with applicable requirements of the Drug-Free Workplace Act of 1988 (41 USC 701-707).
- 2.8. Contractor shall ensure it has the necessary processes and systems in place to comply with applicable federal reporting requirements, including those contained in 2 CFR Part 170 as applicable.
- 2.9. Whistleblower Protections. Contractor shall inform all its employees in writing of the rights and remedies provided under the federal Whistleblower Protection Act, including 41 USC 4712.
- 2.10. Repair or Construction Activity. For all repair or construction activity done pursuant to this Agreement (if applicable), all such repair or construction shall be carried out in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications and standards, including those required pursuant to 44 CFR 206.400.
- 2.11. The Contractor agrees to include the above clauses in each Third Party Subcontract such that all provisions will equally apply to the subcontractor. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject thereto.

3. ACCESS TO RECORDS

- 3.1. Contractor and its successors, transferees, assignees, and subcontractors acknowledge and agree to comply with applicable provisions governing Government access to records, accounts, documents, information, facilities, and staff, including compliance review, investigation, evaluation, documentation and reporting requirements.
- 3.2. The Contractor agrees to provide the County, FEMA, the Comptroller General of the United States or any their authorized representatives access to any books, documents, papers, and records of the Contractor which are related to this Agreement, for the purposes of making audits, examinations, excerpts, and transcriptions. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- 3.3. The Contractor agrees to provide the FEMA Administrator or his authorized representatives access to construction or other work sites pertaining to the work being completed under this Agreement.
- 3.4. The Contractor agrees to maintain all books, records, accounts, and reports required under this Agreement for a period of not less than five years after the later of: (a) the date of termination or expiration of this Agreement or (b) the date all projects, programs, and close

outs are completed, except in the event of audit, litigation, or settlement of claims arising from this Agreement, in which case, Contractor agrees to maintain same until the County, FEMA, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims, or exceptions related thereto. Contractor shall grant County the option of retention of the records, books, papers, and documents in unalterable, electronic form if Contractor elects to dispose of said documents following the mandatory retention period.

- 3.5. The requirements set forth above are all in addition to, and should not be considered to be in lieu of, any more stringent requirement set forth in the Agreement.

4. DEBARMENT AND SUSPENSION

- 4.1. This Agreement is a covered transaction for purposes of 2 CFR pt. 180 and 2 CFR pt. 3000. As such the Contractor is required to verify that none of the Contractor, its principals (defined at 2 CFR 180.995), or its affiliates (defined at 2 CFR 180.905) are excluded (defined at 2 CFR 180.940) or disqualified (defined at 2 CFR 180.935). Covered transactions shall not be entered into with excluded or disqualified persons or with parties listed on the Government's Excluded Parties List System in the System for Award Management (SAM). The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority. (2 CFR Part 200 Appendix II, (I)). No entity, including subcontractors, may receive any federal funds through this Agreement unless the entity has provided its unique entity identifier to County.
- 4.2. Contractor represents and warrants that it is not debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension" or Executive Order 12689, and that it is not on the Excluded Parties List System in the System for Award Management (SAM) or on any comparable list of precluded persons, entities, or facilities. Contractor agrees that neither Contractor nor any of its third party subcontractors shall enter into any third party subcontracts for any of the work under this Agreement with a third party who is debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under executive Order 12549 or any federal regulation, including 2 CFR Part 200. Gov. Code § 4477.
- 4.3. The Contractor must comply with 2 CFR pt. 180, subpart C and 2 CFR pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into. Contractor agrees to the provisions of Exhibit A-1, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions, attached hereto and incorporated herein. For purposes of this Agreement and Exhibit A-1, Contractor is the "prospective lower tier participant."
- 4.4. The Contractor agrees to include the above paragraphs in each Third Party Subcontract such that all provisions will equally apply to the subcontractor. It is further agreed that the paragraphs shall not be modified, except to identify the subcontractor who will be subject to its provisions.
- 4.5. This certification is a material representation of fact relied upon by County. If it is later determined that the Contractor did not comply with 2 CFR pt. 180, subpart C and 2 CFR pt. 3000, subpart C, in addition to remedies available to the County, the Government may pursue available remedies, including but not limited to suspension and/or debarment.
- 4.6. The bidder or proposer agrees to comply with the requirements of 2 CFR pt. 180, subpart C and 2 CFR pt. 3000, subpart C while this offer is valid and throughout the period of any

contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

5. NO FEDERAL GOVERNMENT OBLIGATIONS TO CONTRACTOR

- 5.1. The County and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Agreement, absent the express written consent by the Government, the Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the County, Contractor, or any other party (whether or not a party to this Agreement) pertaining to any matter resulting from the Agreement.
- 5.2. The Contractor agrees to include the above clause in each Third Party Subcontract such that all provisions will equally apply to the subcontractor. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject thereto.

6. EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

(all construction contracts awarded meeting the definition of “federally assisted construction contract” under 41 CFR 61-1.3)

Contractor agrees to comply with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Part 60). 41 CFR 60-1.4 is hereby incorporated by reference.

During the performance of this Agreement, Contractor agrees as follows:

- 6.1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- 6.2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- 6.3. The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a

- formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
- 6.4. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
 - 6.5. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
 - 6.6. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
 - 6.7. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
 - 6.8. The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided*, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

7. NONDISCRIMINATION CLAUSE

- 7.1. Contractors and subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, sexual orientation, physical disability (including HIV and AIDS), mental disability, medical condition, age, marital status, denial of family care leave, or based on any other prohibited basis.
- 7.2. Contractors, and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.
- 7.3. Contractor shall comply with the applicable provisions of the Fair Employment and Housing Act (Gov. Code § 12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government

Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Contractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

- 7.4. The Contractor agrees to include the above clauses in each Third Party Subcontract such that all provisions will equally apply to the subcontractor. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject thereto.

8. CONTRACT WORK HOURS AND SAFETY STANDARDS

(all contracts in excess of \$100,000 that involve the employment of mechanics or laborers, but not to purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence)

- 8.1. **Compliance:** Contractor and all subcontractors shall comply with the Contract Work Hours and Safety Standards Act, 40 USC 3701 through 3708 (including sections 3702 and 3704), as supplemented by Department of Labor regulations at 29 CFR Part 5, which are incorporated hereto. Contractor and all subcontractors shall compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Contractor shall not require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health or safety.
- 8.2. **Overtime:** No contractor or subcontractor contracting for any part of the work under this Agreement which may require or involve the employment of laborers or mechanics (including watchmen and guards) shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
- 8.3. **Violation; liability for unpaid wages; liquidated damages:** In the event of any violation of the provisions of Paragraph B, the contractor or any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor or subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the provisions of paragraph B in the sum of \$25 for each calendar day on which such employee was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph B.
- 8.4. **Withholding for unpaid wages and liquidated damages:** The County shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set for in paragraph C of this section.
- 8.5. **Subcontracts:** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs A through D of this section and also a clause requiring the

subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs A through D of this section.

Further requirements are contained in the Davis-Bacon provisions (see 29 CFR 5.5(a)) stated further herein and are incorporated here by reference.

9. NOTICE OF REPORTING REQUIREMENTS

9.1. Contractor acknowledges that it has read and understands the reporting requirements of FEMA, including the “SF-425 Federal Financial Report Filing Instructions” (available at <https://www.fema.gov/media-library/assets/documents/28389>). Contractor agrees to comply with all applicable reporting requirements, including those contained in any grant terms and conditions, notices of funding opportunity, or any program guidance associated with any FEMA funding related to this Agreement.

9.2. The Contractor agrees to include the above clause in each Third Party Subcontract such that all provisions will equally apply to the subcontractor. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject thereto.

10. NOTICE OF REQUIREMENTS PERTAINING TO COPYRIGHTS

10.1. Contractor agrees that FEMA shall have a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for government purposes:

10.1.1. The copyright in any work developed with the assistance of funds provided under this Agreement;

10.1.2. Any rights of copyright to which Contractor purchases ownership with the assistance of funds provided under this Agreement.

10.2. The Contractor agrees to include the above paragraph in each Third Party Subcontract such that all provisions will equally apply to the subcontractor. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject thereto.

11. PATENT RIGHTS

(contracts meeting the definition of “funding agreements” (see 37 CFR Part 401) for experimental, research, or development projects financed by FEMA) CFR

-Not applicable-

12. ENERGY CONSERVATION REQUIREMENTS

12.1. The Contractor agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 USC 6201).

12.2. The Contractor agrees to include the above paragraph in each Third Party Subcontract such that all provisions will equally apply to the subcontractor. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject thereto.

13. CLEAN AIR AND WATER REQUIREMENTS

(all contracts and subcontracts in excess \$150,000, including indefinite quantities where the

amount is expected to exceed \$150,000 in any year)

- 13.1. Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 USC 7401-7671q), as amended, and the Federal Water Pollution Control Act as amended (33 USC 1251-1388) (as all or any may be amended), and will report violations to FEMA and the Regional Office of the Environmental Protection Agency (EPA).
- 13.2. Contractor agrees to report each violation of these requirements to the County and understands and agrees that the County will, in turn, report each violation as required to assure notification to FEMA and the appropriate EPA regional office.
- 13.3. The Contractor agrees to include the above paragraphs in each Third Party Subcontract exceeding \$150,000, such that all provisions will equally apply to the subcontractor. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject thereto.

14. TERMINATION FOR CONVENIENCE OF COUNTY

(all contracts in excess of \$10,000)

For construction contracts, see Section 8 of the 2015 Standard Specifications, as may be modified by County's applicable Notice to Bidders, Special Provisions, and Addenda.

For services contracts, see Article 4 of the "Standard Professional Services Agreement."

15. TERMINATION FOR DEFAULT

(all contracts in excess of \$10,000)

Contractor's failure to perform or observe any term, covenant or condition of this Agreement shall constitute an event of default under this Agreement.

For construction contracts, see Section 8 of the 2015 Standard Specifications, as may be modified by County's applicable Notice to Bidders, Special Provisions, and Addenda.

For services contracts, see Article 4 of the "Standard Professional Services Agreement."

16. CHANGES

For construction contracts, see Sections 4-1.05, 4-1.06, 4-1.07, and 8 of the 2015 Standard Specifications, as may be modified by County's applicable Notice to Bidders, Special Provisions, and Addenda.

For services contracts, see Article 8 of the "Standard Professional Services Agreement."

17. LOBBYING (Byrd Anti-Lobbying Amendment, 31 USC 1352 (as amended))

(all contracts and subcontracts in excess of \$100,000)

- 17.1. Contractor shall not use or expend any funds received under this Agreement with any person or organization to influence or attempt to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- 17.2. Contractor agrees to the provisions of Exhibit A-2, Certification Regarding Lobbying, attached hereto and incorporated herein, and shall obtain such certifications for all subcontracts in excess of \$100,000. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 USC 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.
- 17.3. Contractor agrees to include the above paragraphs in each Third Party Subcontract such that all provisions will equally apply to the subcontractor. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject thereto.

18. MBE / WBE REQUIREMENTS

Contractor shall make good faith effort and take all necessary affirmative steps (including those listed in 2 CFR 200.321) to assure that Minority and Women's Business Enterprises and labor surplus area firms are used when possible. Failure to engage in such affirmative steps shall be considered as a material breach of the contract.

Contractor, and all its subcontractors, must take all affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, including as sources of supplies, construction, equipment, or services. These affirmative steps must be documented and reported. Failure of Contractor or any subcontractor thereof to take the following steps shall be deemed a material breach of this Agreement:

- A. Place qualified small and minority businesses and women's business enterprises on solicitation lists;
- B. Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- C. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- D. Establish delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
- E. Use the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

If subcontracts are to be let, Contractor shall take the affirmative steps listed above and as otherwise required by 2 CFR 200.321.

19. PROCUREMENT OF RECOVERED MATERIALS

- 19.1. Contractor shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid

waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

19.2. In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired—

19.2.1. Competitively within a timeframe providing for compliance with the contract performance schedule;

19.2.2. Meeting contract performance requirements; or

19.2.3. At a reasonable price.

Information about this requirement, along with the list of EPA-designate items, is available at EPA's Comprehensive Procurement Guidelines web site, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

19.3. The Contractor agrees to include the above clauses in each Third Party Subcontract such that all provisions will equally apply to the subcontractor. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject thereto.

20. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS

The Contractor acknowledges that 31 USC Chapter 38 (Administrative Remedies for False Claims and Statements) applies to the Contractor's actions pertaining to this Agreement.

21. DHS SEAL, LOGO, AND FLAGS

The Contractor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials, including those of FEMA or the United States Coast Guard, without specific FEMA pre-approval.

22. DAVIS-BACON ACT AND COPELAND ANTI-KICKBACK ACT

(all prime construction, repair, or alteration contracts in excess of \$2,000 funded under the emergency Management Preparedness Grant Program, Homeland Security Grant Program, Nonprofit Security Grant Program, Tribal Homeland Security Grant Program, Port Security Grant Program, and Transit Security Grant Program [unless other grant or state/local law require independently])

a. Compliance with the Davis –Bacon Act:

Contractor shall comply with the Davis-Bacon Act (40 USC 3141-3144 and 3146-3148) as supplemented by Department of Labor regulations at 29 CFR Part 5 (Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction), and shall comply with all of the following:

29 CFR 5.5(a):

(1) Minimum wages.

(i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and

not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)

(A) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(2) The classification is utilized in the area by the construction industry; and

(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by

the contracting officer to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) Withholding. The County shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the (Agency) may, after written notice to the

contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payrolls and basic records.

(i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)

(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the (write in name of appropriate federal agency) if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the (write in name of agency). The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the (write in name of appropriate federal agency) if the agency is a party to the contract, but if the agency is not such a

party, the contractor will submit them to the applicant, sponsor, or owner, as the case may be, for transmission to the (write in name of agency), the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the sponsoring government agency (or the applicant, sponsor, or owner).

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under § 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the (write the name of the agency) or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for

debarment action pursuant to 29 CFR 5.12.

(4) Apprentices and trainees -

(i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be

paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(5) Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(6) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the (write in the name of the Federal agency) may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7.. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their

representatives.

(10) Certification of eligibility.

(i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 USC 1001.

b. Compliance with the Copeland “Anti-Kickback” Act (required for all Davis-Bacon contracts, and for contracts for construction or repair of public work financed in whole or part by federal loan or grant):

(1) Contractor. The contractor shall comply with 18 USC 874, 40 USC 3145, and the requirements of 29 CFR Part 3 as may be applicable, which are incorporated by reference into this contract.

(2) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause above and such other clauses as the FEMA may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.

(3) Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a contractor and subcontractor as provided in 29 CFR 5.12.

23. BONDS

(all construction or facility improvement contracts, or any subcontracts thereof, exceeding \$150,000)

Unless otherwise excepted in writing by County, for construction or facility improvement contracts exceeding \$150,000, or any subcontracts thereof in excess of \$150,000, Contractor shall obtain and maintain bonds as follows:

23.1. A performance bond for 100 percent of the Agreement price, and

23.2. A payment bond for 100 percent of the Agreement price.

24. POLITICAL ACTIVITIES

Contractor understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government without the express prior written approval of DHS.

Exhibit A-1

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS

(Lower Tier refers to the agency or Contractor receiving Federal funds, as well as any subcontractors that the agency or Contractor enters into contract with using those funds)

As required by Executive Order 12549, Debarment and Suspension, as defined at 44 CFR Part 17, County may not enter into contract with any entity that is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by the Federal Government from participating in transactions involving Federal funds. Contractor is required to sign the certification below which specifies that neither Contractor nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by the Federal agency. It also certifies that Contractor will not use, directly or indirectly, any of these funds to employ, award contracts to, engage the services of, or fund any Contractor that is debarred, suspended, or ineligible under 44 CFR Part 17.

Instruction for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definition and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it

knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion – Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of its proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Contractor Signature

Date

Exhibit A-2

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person or organization for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. If any registrant under the Lobbying Disclosure Act of 1995 has made lobbying contacts on behalf of the undersigned with respect to this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
4. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loan, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. An imposition of a civil penalty under this subsection does not prevent the United States from seeking any other remedy that the United States may have for the same conduct that is the basis for the imposition of such civil penalty

The undersigned certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 USC 3801 *et seq.*, apply to this certification and disclosure, if any.

Contractor Signature

Date

Exhibit B: Scope of Services



COASTLAND

CIVIL ENGINEERIN - CONSTRUCTION MANAGEMENT - BUILDING DEPARTMENT SERVICES

September 19, 2018
Revised September 27, 2018

Ms. Sarah Fredericks, Construction Coordinator
Sonoma County Department of Transportation and Public Works
2300 County Center Drive, Suite B100
Santa Rosa, CA 95403
Via email: sarah.fredericks@sonoma-county.org

Subject: *Proposal to Provide Construction Management & Inspection Services for
2018 Hazard Tree Removal Project – Public Trees
County Project No. M11719*

Dear Sarah:

The 2018 Hazard Tree Removal Project requires a construction management team that will partner with the County to provide seamless support and pro-active public outreach. As we are currently providing construction management and inspection services on the 2018 Storm Damage Overlay project and the 2018 Pavement Preservation program, we feel Coastland is best suited to provide a complete understanding of the County's current needs and structure.

We appreciate the opportunity to present our scope and fee in hopes of continuing to provide construction management and inspection services to the County, specifically for the 2018 Hazard Tree Removal Project. We value your confidence in us and hope to work with you to continue the recovery process in our own community. Our proposed team is abundantly aware of the extremely sensitive nature of this project and will work with the community and property owners to keep them updated throughout the project. The following provides our understanding, proposed staff, scope of services and estimated fee for the project.

PROJECT UNDERSTANDING

The October 2017 Sonoma County wildfires affected trees and vegetation along approximately 90 miles of Sonoma County roads. Among those fire-affected trees, the work to be done for this project consists, in general, of removing approximately 560 trees, stump grinding approximately 15 tree stumps, and pruning limbs on approximately 6 trees. In addition to the debris from the removed and pruned trees shown on the plans, the contractor shall also dispose of existing tree debris located at 5200 Slusser Road, Airport Landfill (southern portion).

The project locations include various sites alongside the following roads: Adobe Road, Alpine Road, Bardy Road, Bayberry Drive, Bennett Ridge Road, Bennett Valley Road, Brighton Drive, Calistoga Road, Cavedale Road, Chelsea Drive, Crystal Drive, Dana Drive, Dunbar Road, Franz Valley Road, Franz Valley School Road, Harville Road, Henno Road, Hidden Hills Drive, Jean Marie Drive, Keiser Road, Kennilworth Road, Lambert Road, Lawndale Road, Lovall Valley Road, Mark West Springs Road, Michelle Way, Mountain Home Ranch Road, Napa Road, Nelligan Road, Norbom Road, Nuns Canyon Road, Odonnell Lane, Old Bennett Ridge Road, Old Redwood Highway, Old Vineyard Lane, Petrified Forest Road, Pinecroft Way, Porter Creek Road, Riebli Road, Rollo Road, Schultz Road, St. Helena Road, Trinity Road, Ursuline Road, Vista Grande Drive, Wallace Road, Warm Springs Road, Wikiup Drive, Wilshire Drive, Wilshire Drive, and Wood Valley Road.

Santa Rosa

1400 Neotomas Avenue
Santa Rosa, CA 95405
Tel: 707.571.8005

Auburn

11865 Edgewood Road
Auburn, CA 95603
Tel: 530.888.9929

Pleasant Hill

3478 Buskirk Avenue, Ste. 1000
Pleasant Hill, CA 94523
Tel: 925.233.5333

www.coastlandcivil.com

The Engineer's Estimate is \$967,800. Bids for this project were opened on September 4, 2018. The Department hopes to award to the lowest bidder on October 16, 2018 with tree removal starting in mid-November or early-December. There are 60 working days. This project has FEMA funding, therefore project records will need to satisfy FEMA and Federal Funding requirements.

SUMMARY OF EXPERIENCE

Coastland has extensive experience responding to emergency situations, coordinating with FEMA and CalEMA, and obtaining regulatory agency approvals. Our staff has been on site to oversee and coordinate emergency repairs during dozens of state and federally declared flood disasters throughout Northern California.



Understanding local needs allows us to participate in the early planning stages of project development and obtain positive feedback early on in the project planning stages. Coastland has extensive experience coordinating with and obtaining all regulatory permits and approvals from Caltrans, U.S. Army Corp of Engineers, California Department of Fish and Wildlife, Federal Emergency Management Agency (FEMA), California Emergency Management Agency (CalEMA), Occupational Safety and Health Administration (OSHA), National Marine Fisheries Service, Department of Health Services, Department of Water Resources, the North Bay Regional Water Quality Control Board, and others.



As contract engineers for the cities and counties we serve, Coastland also has extensive experience applying for funding for various storm recovery projects. This has included State and Federal funding (ER, CalEMA/OES and FEMA funding). For emergency repair projects, our work has included coordinating all work with Caltrans to ensure all design and construction work is done in accordance with the LAPM in order to properly secure the federal funding for these projects. The projects have ranged from road surface improvements to retaining structures to landslide repairs.

Also, in response to the federally declared disasters, Coastland has assisted several clients in preparing Damage Survey Reports (DSR's) and the design and construction inspection of street repair and restoration projects including the re-paving of several damaged streets, slide repairs and restoration of storm drain facilities funded through Emergency Restoration monies (ER) from FHWA. Following completion of construction, Coastland has also been responsible for invoicing the State of California in order for the jurisdictions to receive funds through the federal funding process.

Our engineers have been through activations of various public agencies' emergency operation centers during state and federally declared flood disasters and have been on site to oversee, inspect and coordinate emergency repairs. They have participated in Standardized Emergency Management System (SEMS) training. In addition, Coastland currently has several engineers who have completed the CalEMA Safety Assessment Program and are currently certified and Disaster Service Workers (DSW). With these certifications we will be able to assist the County in assessing damaged roads and structures in emergency situations.



COUNTY OF NAPA—FEMA/CalEMA FLOOD REPAIRS

Coastland has provided civil engineering and construction management/inspection services for the repair of several FEMA and State funded flood repair projects throughout Napa County. These projects include the design and construction of repairs to County roads and bridges that were damaged during severe winter rainstorms in December of 2005 and January of 2006. The rainstorms saturated soil and flooded drainage channels which caused road slides and stream channel erosion at bridge structures.

The design of the repairs follow FEMA funding guidelines and requirements including performing geotechnical evaluations, evaluating design alternatives, designing soldier pile retaining walls with tiebacks and reconstructing the damaged roadways. Improvements include stabilizing the slides, reconstructing the roadway to conform to the existing road in both width and structural section and addressing local surface and subsurface drainage.

The projects Coastland has been involved in to date include the following:

- Westgate Bridge over Milliken Creek
- Whitehall Lane FEMA Road Repair
- Diamond Mountain Roadway Repair
- 4700 Block Redwood Road Slide Repair
- 4800 Block Redwood Road Slide Repair, Phases 1 & 2
- White Sulphur Springs Flood Repair (CalEMA)

Coastland's responsibilities include project management, designing the improvements, preparation of PS&E and construction administration.

TOWN OF YOUNTVILLE—FLOOD BARRIER

Coastland oversaw the design and provided construction management and inspection for this \$5 million project which included deep concrete foundation, concrete flood wall, a pump station, sewer and storm drain systems, and other work. The process included numerous public meetings with mobile home park residents and adjacent property owners' acquisitions of 30 easements, and permit coordination with Fish and Game, Water Quality Control Board, Army Corps of Engineers and funding coordination with FEMA, State OES, and Napa County Flood Control District. The wall design was submitted to the Napa County Building Department for review and approval. The project also involved developing a financing plan, processing NEPA documents and acquiring needed easements and permission to



construct the work. Coastland worked with the Town before and after the project to secure the funds from applicable agencies.

CITY OF CLEARLAKE—DISASTER RECOVERY

In response to federally declared flood disasters, Coastland was responsible for coordinating all emergency repairs during the disaster and dealing with FEMA and the State for all disaster recovery work. Coastland also prepared Damage Survey Reports (DSR's), applied for monies and oversaw construction for a total of 90 damaged locations throughout the City of Clearlake. Damage included collapsed bridges, landslides, overflow of sewer lines, road washouts and significant flooding. The Damage Survey Reports resulted in reimbursements from the State and FEMA.

CITY OF CLOVERDALE—DISASTER RECOVERY

In response to a federally declared disaster, Coastland was responsible for coordinating all emergency repairs during the disaster and dealing with FEMA and the State for all disaster recovery work. Coastland also prepared Damage Survey Reports (DSR's), applied for monies and oversaw construction for a total of 18 damaged locations throughout the City. The Damage Survey Reports resulted in reimbursements from FEMA. Damage included flooding, landslides, box culvert collapse, flooding of the wastewater treatment plant and significant road damage. The reports also resulted in Coastland's involvement in the reconstruction of the City's Citrus Fair Box Culvert and the replacement of the runway lighting at the City Airport.



STAFF QUALIFICATIONS

We have assembled a highly qualified team with local experience on disaster recovery, storm damage and FEMA projects. Our team's relevant experience includes:

- Extensive knowledge of Sonoma County's road network and types of terrain. We are knowledgeable and sensitive to local issues and regulations related to FEMA and other emergency projects located within Sonoma County.
- In-house certified Qualified SWPPP Developers (QSD) and Practitioners (QSP).
- Full-service construction management and inspection team sensitive to local regulations and requirements.



Education / Certification
Qualified SWPPP
OSHA's 10-hour Training
CPR Certified

Experience Overview:

County of Sonoma

- 2018 Storm Damage Overlay Project
- 2018 Pavement Preservation Program – Chip Seals & Overlays
- 2017 Pavement Preservation Program
- 2015-2016 Pavement Preservation Program

City of Santa Rosa

- W. 6th St. @ Madison St. Sewer & Water Improvements
- Sewer Main Lining, Manhole & Lateral Rehab
- Summerfield Rd. & Sonoma Ave. Zone 6 & 9 Water Pumper Connections
- Long Drive & Vicinity Sewer & Water Improvements
- Robles Trunk Sewer Lining – Walker Ave. to Airport Sewer Trunk Confluence
- Over 20 other Sewer and Water CIP Projects

Mike Janet, CESSWI/QSP – Construction Manager

Mr. Michael Janet, Principal and Construction Services Manager with Coastland, has over 20 years of construction experience on capital improvement projects. Mike has strong skills in managing diverse projects and coordinating with all project stakeholders.

He has managed the construction on more than 60 roadway and utility improvement projects for public agencies, with a very strong background on federally funded projects. Most of these projects involved pavement restoration, ADA improvements, intersection improvements, and utility replacements. Mike has wide-ranging knowledge of construction methods and routinely provides constructability review of in-house design projects.

As with past projects, Mike Janet will serve as Construction Manager.



Education:
B.S., Civil Engineering
California State University,
Chico

Registration:
Civil Engineer, CA 53724

Experience Overview:

County of Sonoma

- 2018 Storm Damage Overlay Project
- 2018 Pavement Preservation Program – Chip Seals & Overlays

Bodega Bay Public Utility District

- Heron Drive Emergency Sewer Repair Project

City of Santa Rosa

- Sewer Main Lining, Manhole & Lateral Rehab

Sonoma County Water Agency*

- Wohler Transmission Pipeline Project
- Santa Rosa Creek Bridges Project

Sweetwater Springs Water District

- 2018 CIP Project

*Experience prior to joining Coastland

Mathew Vail, PE – Resident Engineer

Mr. Mathew Vail, Supervising Engineer with Coastland, has over 30 years of experience in engineering and construction. He has managed design and construction projects, acted as Owner's Representative, performed contract administration, and managed professional staff for a wide variety of sewer, water and roadway projects throughout Northern California.

While at the Sonoma County Water Agency, Mr. Vail managed the design and construction of the Mirabel Dam Emergency Repairs.

Mathew is experienced with the preparation of construction drawings, specifications, schedules and estimates for bids and change order work; preparing and managing project budgets; management of pre-construction services, including contract document



preparation and contract negotiation; and project closeout, including claims analysis and negotiations.



Education / Certification
OSHA's 10-hour Training
CPR Certified

Experience Overview

County of Sonoma

- 2018 Storm Damage Overlay Project

City of Santa Rosa

- Sewer Main Lining, Manhole & Lateral Rehab
- Long Drive & Vicinity Sewer & Water Improvements
- Delport Ave. & McMinn Ave. Sewer & Water Improvements
- Summerfield Rd. & Sonoma Ave. Zone 6 & 9 Water Pumper Connections
- Robles Trunk Sewer Lining – Walker Ave. to Airport Sewer Trunk Confluence

City of St. Helena

- Charter Oak Ave. & Hwy 29 Sewer Repair

Bodega Bay Public Utility District

- Sewer Collection System Repairs
- Sewer Rehab

DeWayne White – Construction Inspector

Our proposed inspector, DeWayne White, is currently providing inspection for the County on the 2018 Storm Damage Overlay project and is extremely knowledgeable of the local conditions, expectations, County concerns. His extensive background allows him to accurately verify compliance with applicable codes and regulations.

DeWayne has over 26 years of experience in the construction industry with an emphasis on pipeline, paving, grading and earth retention systems. His responsibilities have included bidding and estimating, project management, procurement, evaluating contracts, and staffing construction projects. DeWayne performs construction inspection on public works projects and excels at being the client's representative on the project. He also communicates the project progress with businesses and residents in the project area.



Education / Certification
OSHA's 10-hour Training
CPR Certified

Experience Overview

County of Sonoma

- 2015-2018 Pavement Preservation Program FDR & Chip Seal
- 2018 Storm Damage Overlay Project

City of Santa Rosa

- Delport Ave. & McMinn Ave Sewer & Water Improvements
- Summerfield Road & Sonoma Ave. Zone 6 & 9 Water Pumper Connection
- Santa Rosa Avenue Widening

Clive Sharrocks – Construction Inspector

Clive Sharrocks is available as a backup to DeWayne in the event an additional inspector is needed. Clive is an experienced Construction Inspector with 45 years of experience. Clive is currently working with the County on the 2018 Pavement Preservation Program - Chip Seals & Overlays, and the 2018 Storm Damage Overlay Project.

Clive is experienced in all aspects of the construction industry, including contract administration. He has monitored construction of a wide variety of infrastructure improvement projects.



SCOPE OF SERVICES

With a management style focused on quality control, Coastland's licensed engineers, construction managers, resident engineers and inspectors monitor the quality, cost and schedule of each construction project, while ensuring complete adherence to the contract documents. Our team approach, managed by a single client manager, will provide the County with expertise focused on quality service.

Based on our understanding of the County's needs, our proposed scope of services is as follows:

Task No. 1 – Pre-Construction Meeting

Immediately following the award of the construction contract, our Construction Manager will schedule and administer the pre-construction meeting. During this meeting we will establish lines of communication and decision making roles with all project stakeholders. We will also discuss safety requirements, responsibilities of the project team members, working hours, quality control procedures, environmental requirement, project access and property boundaries/easements, submittal requirements, project schedule, change order and potential claim procedures, and safety procedures.

Coastland will be responsible for generating pre-construction meeting invitations including the meeting agenda. Agenda items include lines of communication, public relations, safety, submittals, change procedures, payments, progress schedules, contract time, requests for information (RFI), and other applicable items. Coastland will prepare and distribute meeting minutes to all parties.

Following the pre-construction meeting, Coastland will continue to work with the County teams, design engineer, contractor and the public to ensure that all project issues are addressed promptly and that the County's best interests are considered at all times.

Task No. 2 – Pre-Construction Jobsite Documentation and Project Setup

Coastland's inspector will take pre-construction digital high-definition photos and/or video of each work site with special attention given to sensitive areas including all property affected by and adjacent to the project area. Documenting the site prior to removal will help mitigate possible disputes between the County, contractor and property owners within or adjacent to the project limits. These photos will be logged and filed with the project files.

Coastland will assemble project files in accordance with the County's standard format for administration. This will ensure our construction management procedures meet all current County expectations and requirements.

Task 3 – Project Management

Task 3a – Submittal Management

Coastland will coordinate all submittals and monitor the status of the submittals to assure the contractor provides timely response. At the pre-construction conference, we will provide the contractor with a log of all required submittals and due dates. Submittals will be stamped, logged and distributed to the designer for complete review and approval. Submittals will be filed numerically and approved copies will be distributed to the County, project members, and the contractor.

Task 3b – Schedule Management

Coastland will continually review the construction progress and perform field measurements and quantity calculations. Coastland will review the contractor's construction schedule for accuracy, reasonableness, and will verify that it meets the project schedule, order of work, and contract requirements. Progress schedules will be reviewed weekly to ensure the contractor is meeting the critical dates. If the contractor fails to meet critical dates, it will immediately be brought to his attention



and remedies to get back on schedule will be accomplished. Schedule updates may be required once a month or more. We will negotiate any time extensions for the contractor due to change orders, weather, or other delays. Coastland will also maintain an as-built progress schedule.

Task 3c – Requests for Information (RFI)

Coastland will receive and log all Requests for Information (RFI's) from the contractor, and forward the RFI to the designer. Coastland will track the status of all RFI's by generating a weekly RFI log that lists the "Ball-in-court" status, description, and if an RFI results in a potential change order.

Task 3d – Construction Management

Our goal is to ensure that construction and contract administration are performed in compliance with County requirements and standards, and the project plans and specifications. To accomplish this goal, our Construction Manager will manage the day-to-day construction activities with the contractor. He will be accessible to the County at all times. The Construction Manager will be responsible for keeping the County informed of the progress of the project, changes that may be needed, pay estimate input and releasing information to the public. In addition, our Construction Manager will complete all contract administration documentation in a timely, accurate and orderly fashion.

In summary, our Construction Manager's responsibilities include:

- Continuous communication and coordination with the contractor through regular progress meetings.
- Review and routing of project submittals and RFIs.
- Prepare project pay estimates and maintain records associated with the project's funding requirements.
- Accept work performed or, if work is rejected, work with contractor to correct construction errors.
- Prepare and approve Contract Change Orders.
- Provide claims management.
- Monitor permit and environmental compliance.
- Confirm labor compliance.
- Develop a project punch list and make recommendations for project acceptance.
- Prepare As-Built plans.
- Maintain all records associated with the construction of the project.

Task No. 4 - Daily Field Inspections and Documentation

A critical aspect of our services is maintaining close communication with County staff to ensure scheduling goals are met. To help maintain close communication, Coastland's inspector will be accessible to the County at all times at the project site and through the use of email and cellular phones. Coastland's on-site inspector will examine all construction activities to ensure that the contract work adheres to the contract documents, County standards and the established schedule.

We will maintain records and provide documentation of the work in the form of daily reports, weekly summary of construction activities, deficiency lists, and progress photographs of construction activities. Daily reports will describe the contractor's level of effort, specific work being completed, started, or finished, and relevant points raised by the contractor that may require consideration and response. We also document proposed change orders and claims, important conversations, safety issues or accidents, extra work in progress, materials testing performed, information for "as-built" drawings, quantities for progress payments, environmental concerns and hazardous materials.

Coastland will provide a digital photo logbook of construction activities, progress, and areas of concern or interest. The photo log will be compiled on CDs and will identify the location and date of each photo. The log will be maintained through the duration of the project to assure continuity from one week to the next, and will be submitted to the County at the close of the project.



Coastland will continually review the specifications and plans to ensure the work is of good quality and meets the requirements of the contract documents. This review can improve constructability, reduce costs, eliminate ambiguities, and improve clarity. Coastland will immediately report any deviation from the approved contract documents.

Our inspector will identify actual and potential problems and provide solutions. We will maintain daily documentation and resolve issues by proposing field changes and avoid any delays.

Our inspector will review the contractor's traffic control plan to make certain that access is maintained during construction.

In summary, our inspector's responsibilities include:

- Inspect the contractor's work for conformance to the contract documents, codes, regulations, and County's standards on a daily basis.
- Prepare and submit daily inspection reports that document all job site activities.
- Serve as a daily contact for the contractor as to performance of the construction.
- Respond promptly to County requests.
- Participate in meetings with County staff, contractor and other agencies.
- Verify construction material quantities.
- Monitor traffic control procedures.
- Ensure contractor submits erosion control plan and review plan for completeness. Inspect and regularly check to ensure compliance with the latest stormwater pollution controls.
- Distribute notifications to impacted public regarding the status of construction.
- Document construction activities with photographs and maintain a photo log.
- Proactive public outreach efforts at key points of the project. Respond to calls from the public promptly and log any complaints in a timely manner. Follow-up on any concerns and express understanding of homeowners' expectations and concerns.
- Prepare and maintain current redlined construction drawings, documenting unforeseen field conditions and changes to check the contractor's record drawings.
- Work overtime as needed to assure presence on site during all construction activities.
- Document and maintain complete field files containing construction period correspondences, changes, discussions with contractor, memos, reports, and other pertinent items.

Task 5 – Change Order Management

In the event that a change order is required, Coastland will negotiate the changes with the contractor and prepare documentation. All changes will be approved by the contractor, Coastland and the County prior to starting work on the change. With the County's approval, Coastland can negotiate with the contractor to produce the best construction method for the change at the lowest cost. If a change order requires input from the design engineer, our Construction Manager will coordinate with them to ensure it is reviewed. A Change Order Log will be created that will show Change Order number, description, status, approved date, start and completion dates and cost.

Task 6 – Progress Payments

Each month, Coastland will provide accurate calculations for all work items completed and accepted to provide progress payment recommendations to the County. Coastland will review the contractor's progress pay estimate request and schedule of values to assess if they are reasonable, and will compare this to the field measurements and quantity calculations. We will continually monitor project costs and keep the County informed regularly.

Task No. 7 – Progress Meetings & Other Meetings



Coastland will conduct weekly coordination and progress meetings to focus on completed and upcoming work, any construction delays, schedule updates, proposed changes, change orders, contractor's questions, public relations, safety and other concerns that are identified by a project team member. We will work to foster honest, open communication at these weekly meetings which will help in timely resolution of any disputes and/or potential claims.

Task 8 - Public Relations and Notifications

Coastland will ensure every effort is made to keep residents and businesses informed of construction progress and minimize disruptions due to limited access and excessive noise. Our Construction Manager and inspector will proactively meet with property owners prior to and during construction to address any concerns from those affected by the project.

As part of our public outreach approach, Coastland will establish a public "hot line" to answer questions from the property owners directly affected by this project, as well as calls from the general public.

We will monitor traffic control, road closures and flagging procedures to ensure construction proceeds smoothly and public impact is minimized. There may be traffic delays during peak traffic periods and paving. Accordingly, we will keep all residents and businesses informed on construction status and impacts through the use of message boards, notification letters, and meetings. Our Construction Manager will also make introductions to the affected property owners and provide his 24-hour contact phone number as appropriate. Coastland will ensure that the contractor provides advanced notice to residents and businesses, as required by the specifications, regarding roadwork and lane closures.

Coastland will log and respond to questions and concerns from the public in a timely manner and will record the contractor's activities as they relate to public safety and public convenience.

Additionally, our inspector will accurately document pre-construction conditions with a photo log to verify the project area is restored to its original form following construction.

Task 9 – Conflict Claims Review & Support

Coastland's goal is to avoid all unnecessary claims and resolve conflicts during construction in order to keep the additional costs down and to minimize County staff involvement in the project. The starting point for avoiding conflicts or notices of potential claims is a clear, biddable set of plans and specifications.

Coastland will resolve conflicts quickly by keeping the lines of communication open and being open and responsive with the contractor. Progress meetings are important to promote communications and to resolve conflicts quickly. We have found that most conflicts can be thoroughly discussed and defused at these meetings. The key is to foster a good, working rapport with the contractor and demonstrate that we are trustworthy, honest and professional.

In order to be effective in conflict resolution, the Construction Manager must be intimately familiar with the project plans, specifications, the County Standards, and any nuances specific to the project. Coastland will maintain thorough documentation of the contractor's field activities so that we know exactly what, when, where and why an issue or conflict occurred, and not have to rely on memory or the contractor's version of what happened.

These tasks help reduce the likelihood of change orders during construction or post-construction claims from the contractor; however, if claims are filed at the completion of the project we will have the documentation to assist in any negotiations.

If we cannot successfully facilitate a resolution of a dispute and receive a Notice of Potential Claim from the contractor, we will be ready to support the County's position. Coastland maintains accurate



and thoroughly documented project information as backup for claim resolution. Coastland will continue facilitating negotiations while tracking and logging all correspondence, as-built progress schedules, and other backup documentation.

Task 10 – Project Closeout and Record Drawings

Following completion of the work, Coastland will organize and conduct the post-construction meeting. The meeting will document all requirements necessary for final closeout and payment, and confirm all contract obligations have been met. Recommendations for improvement will be made and incorporated into future projects. The results of the meeting will be summarized in meeting minutes.

Coastland will verify completion of punch list items, issue notice of completion, prepare recommendations for final acceptance of the project, review as-builts for accuracy and completeness, prepare and recommend final payment, and transmit all construction documentation to the County. At the completion of the project, we will provide the County with the following:

- All contract files and records (hard & electronic files)
- Annotated journal of photos and CD of digital photos
- As-built project schedule

OPTIONAL TASKS

The following work is not included in our proposal. However, Coastland would be pleased to provide these services if the County desires:

- ***Arborist Services***

Coastland has secured the services of Merlin Arborist Group should arborist services be needed.

Merlin Arborist Group is a fully licensed and insured arboricultural company based in Sonoma County that works with commercial, residential, municipal, and agricultural clients. Our family-run business is dedicated to providing clients with the highest level of tree care. Our staff is highly trained and knowledgeable and ready to exceed your tree care needs. Our credentials include Board Certified Master Arborist, Certified Arborist, and Tree Risk Assessment Qualified (TRAQ) through the International Society of Arboriculture. California Contractors License #1040574.

Merlin Schlumberger, Owner and Lead Arborist, is an ISA Board Certified Master Arborist (WE-7670B) and is ISA Tree Risk Assessor Qualified (TRAQ).

- Meetings beyond those noted above
- Other items not noted in our Scope of Services



WORK ESTIMATE

Our proposal for the 2018 Hazard Tree Removal Project is based on 60 working days. Our proposal includes factors such as attending meetings, construction management, daily inspections and reporting, public relations and outreach, project closeout and vehicle costs. We have also included 20 hours of overtime to account for typical overruns. Based on these items, we estimate the not-to-exceed fee to be \$155,025. Should the scope of services change, or the contract time be less or exceed the estimate, our charges will be adjusted accordingly. Our detailed cost proposal is included on the following page.

Coastland's California Department of Industrial Relations Contractor number is 1000014855 (Exp. 6/30/2019) and we abide by all prevailing wage requirements.

As CEO of Coastland I am authorized to sign contracts on behalf of the company. I can be reached at wanger@coastlandcivil.com or by phone at (707) 571-8005. This proposal and our cost proposal shall remain a firm offer for 90 days. We thank you for this opportunity and look forward to hearing from you. Please let us know if you need anything else.

Sincerely,



John Wanger, P.E.
CEO



Mike Janet
Principal / Construction Services Manager



 WORK ESTIMATE										
2018 Hazard Tree Removal Project		PROPOSAL FOR CONSTRUCTION INSPECTION SERVICES					County of Sonoma			
TASK INFORMATION							HOURS AND COST INFORMATION			
Task No.	Task Information	Construction Manager/RE	RE	Inspector	Inspector OT	Admin	Direct Costs	Total Hours	Total Costs	Comments
		\$165	\$165	\$130	\$195	\$85				
1	Pre-Construction Meeting	6		4		2		12	\$1,680	Agendas / conduct meeting
2	Site Visit & Documentation	10		40		1		51	\$6,935	Job walk / photos/Meet with County
3	Project Start-Up	20		8		4		32	\$4,680	Assemble filing / CM program
4	Daily Field Inspections & Documentation			424		2		426	\$55,290	Based on 60 working days of field work
4a	Overtime Inspection				20			20	\$3,900	Based on overtime inspection for typical overruns
5	Progress Meetings & Coordination	36		36				72	\$10,620	Assume attendance @ 12 mtgs (Inspector)
6	Status Reports & Documentation	20		24		8		52	\$7,100	Review progress/documentation
6a	Reports			24		4		28	\$3,460	Status /Daily Updates to County
6b	Submittal Management	4		8		1		13	\$1,785	
6c	Requests For Information	4		4		1		9	\$1,265	Based on 2 RFIs
6d	Change Order Management	8		8		1		17	\$2,445	Based on 2 change orders
7	Construction Management	42						42	\$6,930	
8	Cost and Schedule Management			20				20	\$2,600	Based on 3 monthly payments
9	Public Relations & Outreach	40		60		8		108	\$15,080	Notices/meeting/coordination etc
10	Conflict Resolution & Claim Management								\$0	Provided on a time and materials basis if required
11	Utility Coordination	20		24				44	\$6,420	Coordination/spot inspection
12	Post Construction Meeting	12		12				24	\$3,540	Walk through
13	Arborist Services							TBD		Merlin Arborist Group - As needed
14	Project Closeout	24		24		12		60	\$8,100	As-builts / files
	Photographs & video						\$250		\$250	
	Vehicle/Equipment expenses						\$12,945		\$12,945	863 hours x \$15/hr= \$12,945.00
	Total Hours	246	0	720	20	44		1,030		
	Subtotal	\$40,590	\$0	\$93,600	\$3,900	\$3,740	\$13,195		\$155,025	
	Project Total	\$40,590	\$0	\$93,600	\$3,900	\$3,740	\$13,195		\$155,025	

NOTES: Coastland reserves the right to adjust estimated hours should the Contractor schedule additional crews or overtime work.

1 Based on 60 working days.
 2 Based on full time inspection at 40 hours per week for one inspector and 20 hours a week for a second inspector. 20 hours of overtime have been included for typical overruns.
 3 Based on part time construction management
 3 Based on an estimated number of RFIs, change orders and submittals shown above.

#NAME?



Exhibit C

With respect to performance of work under this Agreement, Consultant shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.

County reserves the right to review any and all of the required insurance policies and/or endorsements, but has no obligation to do so. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency shall not relieve Consultant from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1. Workers Compensation and Employers Liability Insurance

- a. Required if Consultant has employees as defined by the Labor Code of the State of California.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. Required Evidence of Insurance: Certificate of Insurance.

If Consultant currently has no employees as defined by the Labor Code of the State of California, Consultant agrees to obtain the above-specified Workers Compensation and Employers Liability insurance should employees be engaged during the term of this Agreement or any extensions of the term.

2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Commercial Umbrella Liability Insurance. If Consultant maintains higher limits than the specified minimum limits, County requires and shall be entitled to coverage for the higher limits maintained by Consultant.
- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by County. Consultant is responsible for any deductible or self-insured retention and shall fund it upon County's written request, regardless of whether Consultant has a claim against the insurance or is named as a party in any action involving the County.
- d. The County of Sonoma, its Officers and Employees shall be endorsed as additional insureds for liability arising out of operations by or on behalf of the Consultant in the performance of this Agreement.

- e. The insurance provided to the additional insureds shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f. The policy definition of “insured contract” shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the “f” definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between the additional insureds and Consultant and include a “separation of insureds” or “severability” clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limits may be provided by a combination of Automobile Liability Insurance and Commercial Excess or Commercial Umbrella Liability Insurance.
- b. Insurance shall cover all owned autos. If Consultant currently owns no autos, Consultant agrees to obtain such insurance should any autos be acquired during the term of this Agreement or any extensions of the term.
- c. Insurance shall cover hired and non-owned autos.
- d. Required Evidence of Insurance: Certificate of Insurance.

4. Professional Liability/Errors and Omissions Insurance

- a. Minimum Limits: \$1,000,000 per claim or per occurrence; \$1,000,000 annual aggregate.
- b. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by County.
- c. If Consultant’s services include: (1) programming, customization, or maintenance of software; or (2) access to individuals’ private, personally identifiable information, the insurance shall cover:
 - i. Breach of privacy; breach of data; programming errors, failure of work to meet contracted standards, and unauthorized access; and
 - ii. Claims against Consultant arising from the negligence of Consultant, Consultant’s employees and Consultant’s subcontractors.
- d. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work.
- e. Coverage applicable to the work performed under this Agreement shall be continued for two (2) years after completion of the work. Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.
- f. Required Evidence of Insurance: Certificate of Insurance specifying the limits and the claims-made retroactive date.

5. Standards for Insurance Companies

Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

6. Documentation

- a. The Certificate of Insurance must include the following reference: 2018 Hazard Tree Removal Project – Public Trees (M11719).
- b. All required Evidence of Insurance shall be submitted prior to the execution of this Agreement. Consultant agrees to maintain current Evidence of Insurance on file with County for the entire term of this Agreement and any additional periods if specified in Sections 1 – 4 above.
- c. The name and address for Additional Insured endorsements and Certificates of Insurance is: Transportation and Public Works, Attn: Sarah Fredericks, 2300 County Center Drive, Suite B100, Santa Rosa, CA 95403.
- d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- e. Consultant shall provide immediate written notice if: (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

7. Policy Obligations

Consultant's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

8. Material Breach

If Consultant fails to maintain insurance which is required pursuant to this Agreement, it shall be deemed a material breach of this Agreement. County, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from said breach. Alternatively, County may purchase the required insurance, and without further notice to Consultant, County may deduct from sums due to Consultant any premium costs advanced by County for such insurance. These remedies shall be in addition to any other remedies available to County.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 30
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Susan Gorin, 565-2241

Supervisorial District(s):

First

Title: Appointment

Recommended Actions:

Appoint Kevin Howe to the Sonoma County Fair Board (First District), effective 10/23/2018 and expiring at the pleasure of the Board.

Executive Summary:

Discussion:

Prior Board Actions:

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Related Items “On File” with the Clerk of the Board:			



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 31
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Auditor-Controller-Treasurer-Tax Collector

Staff Name and Phone Number:

Cathy Patton – 565-2073

Supervisorial District(s):

Title: Sonoma County Tobacco Securitization Corporation Members

Recommended Actions:

Adopt a Resolution approving the appointment of members to the Sonoma County Tobacco Securitization Corporation

Executive Summary:

The Sonoma County Tobacco Securitization Corporation was created to purchase the County's Tobacco Settlement Revenues (TSRs) with revenue generated from the sale of tax-exempt revenue bonds issued by the JPA, the California County Tobacco Securitization Agency. The Corporation makes no decisions and was created as a conduit for the purpose of issuing the Tobacco Bonds. They are also required to meet annually. The Board of Directors is comprised of three directors, with two county representatives and an independent member. The county representatives are appointed by the Board of Supervisors and the independent member is appointed by the county representatives.

Discussion:

It is recommended that Erick Roeser, Auditor-Controller-Treasurer-Tax Collector be appointed and William Rousseau, Clerk-Recorder-Assessor be reappointed as the county representatives of the Sonoma County Tobacco Securitization Corporation to comply with formation documents requiring that officers be elected officials. We are also requesting the Board of Supervisors to appoint Deva Proto as Mr. Rousseau's successor upon his retirement at the expiration of his term in January 2019 and Ms. Proto taking the oath office.

Prior Board Actions:

10-16-2012 – Appointment of new members to the Tobacco Securitization Corporation - #12-0489
03-13-2007 – Appointment of new members to the Tobacco Securitization Corporation - #07-0170
10-24-2000 – Approval of the Tobacco Securitization Corporation - #00-1310

Strategic Plan Alignment Goal 3: Invest in the Future			
The Corporation allows the County to securitize and invest future revenues with the intent to provide capital project funding.			
Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
None			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None			
Attachments:			
Resolution of the Board of Supervisors appointing members to the Sonoma County Tobacco Securitization Corp.			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Approving The Appointment of Members To The Sonoma County Tobacco Securitization
Corporation**

Whereas, on October 24, 2000 the Sonoma County Board of Supervisors established the Sonoma County Tobacco Securitization Corporation; and

Whereas, the Board of Directors will be comprised of three directors; two county representatives, appointed by the Board of Supervisors, and one independent director, appointed by the remaining Directors; and

Whereas, William F. Rousseau will be retiring at the end of his term in January 2019; and

Now, Therefore, Be It Resolved that Erick Roeser, Auditor-Controller-Treasurer-Tax Collector, be appointed and William F. Rousseau, Clerk-Recorder-Assessor, be reappointed as the county representatives; and Deva Proto be appointed as William Rousseau's successor upon her taking the oath of office.

Supervisors:

Gorin: Rabbitt: Zane: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 32
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Human Services Department

Staff Name and Phone Number:

Katie Greaves (707) 565-8501

Supervisorial District(s):

All

Title: Appointments and Reappointments to the Sonoma County Workforce Investment Board (WIB)

Recommended Actions:

Approve the appointment of Nancy Emanuele and David Tam to the Sonoma County Workforce Investment Board for a one-year term beginning October 23, 2018, and ending October 23, 2019.

Approve the re-appointment of Ananda Sweet and David Wayte to the Sonoma County Workforce Investment Board for a two-year term beginning October 23, 2018, and ending October 23, 2020.

Executive Summary:

The Workforce Innovation and Opportunity Act (Workforce Act) is a federal law designed to prepare youth and adults for entry into the labor force. The Workforce Investment Board (WIB) and its career center, Job Link, provide support to Sonoma County job seekers and business by providing services such as workshops and job fairs to connect those looking for work with businesses in need of workers.

The Workforce Act requires all local regions to create a board comprised of local business and community members to oversee and implement the Workforce Act. The Workforce Act requires the appointment of a policy oversight body, and the Sonoma County Workforce Investment Board serves in this capacity for Sonoma County. As required by the Workforce Act, this board item seeks the appointment and reappointment of Workforce Investment Board members.

Discussion:

Membership Criteria and Process for Recommending Members for Appointment

The Sonoma County Workforce Investment Board serves as the policy oversight body for Sonoma County employment and training programs. In accordance with the written agreement between the Sonoma County Board of Supervisors and the WIB, the WIB reviews and approves candidates' applications for membership and forwards its recommendations to the Board of Supervisors for final approval and appointment.

The Workforce Investment Board consists of member categories in compliance with Workforce Act

regulation. Business seats must comprise the majority and are comprised of representatives of business in the Local Area who are either owners, chief executives, or operating officers; those that represent businesses that provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations; or those that are appointed from among individuals nominated by local business organizations and business trade associations. Business must comprise the majority. There are currently 16 Business Seats on the WIB representing 53% of the Board.

Not less than 20 percent of the members of each Local Board must be representatives of the Workforce within the Local Area, including representatives of labor organizations, apprenticeships, community based organizations that have experience and expertise in addressing the employment needs of individuals with barriers to employment, and representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of youth. Within this Workforce Representative category, a minimum of 15 percent of the seats must represent labor organizations. There are currently 8 Workforce Representative Seats on the WIB, constituting 27% of the Board, with 17% representing Labor.

Each Local Board must include representatives of entities administering education and training activities, including those administering adult education and literacy activities; representatives of institutions of higher education, including community colleges; and representatives of local educational agencies and community-based organizations addressing the education or training needs of individuals with barriers to employment. There are currently 3 Education and Training Seats on the WIB.

Each Local Board must include representatives of governmental and economic and community development entities, including a representative of economic and community development entities; an appropriate representative from the State employment service office; an appropriate representative of the programs carried out under the Rehabilitation Act of 1973; representatives of agencies administering transportation, housing, and public assistance programs; and representatives of philanthropic organizations serving the Local Area. There are currently 3 Governmental and Economic and Community Development Seats on the WIB.

The WIB seeks Business members who provide who have expertise in Sonoma County’s important or emerging employment sectors such as health care, hospitality, building and trades, and manufacturing. Applications are reviewed by the WIB’s Executive Committee and are then recommended to the Board of Supervisors for appointment. Current members in good standing are recommended for reappointment at the end of their term.

Efforts to fill the WIB seats are ongoing through referrals from current members and outreach to businesses, public, workforce, and private nonprofit organizations. The Human Services Department also works closely with the Economic Development Board to identify business members appropriate for the business seats on the WIB.

The individuals recommended for appointment/reappointment to the WIB will represent the following categories of membership.

<u>New Representative</u>	<u>Business/Organization</u>	<u>WIB Category</u>
Nancy Emanuele	Petaluma Adult School	Education
David Tam	Employment Development	Governmental, Economic, and

<u>Representative</u>	<u>Business/Organization</u>	<u>WIB Category</u>
Ananda Sweet	Santa Rosa Metro Chamber of Commerce	Business
David Wayte	Department of Rehabilitation	Governmental, Economic, and Community Development

Nancy Emanuele is the Principal for the Petaluma Adult School. As a One-Stop Partner, she is a member of the Adult Education Consortium created under AB 86. Petaluma Adult School provides education and training to 1,500 individuals annually with programs ranging from high school diploma completion and family literacy to computer skills and apprenticeship training. Their mission is to provide high quality instruction to our diverse community of adult learners to achieve family, workforce and personal goals. Ms. Emanuele fills an Education and Training seat on the Board.

David Tam is the North Bay Workforce Services Cluster Manager for Sonoma, Marin, Napa, and Solano Counties for the California Employment Development Department. Mr. Tam is on the Workforce Investment Boards for all four counties as a representative from the State employment services office, which is required under the Wagner-Peyser Act. Mr. Wayte fills a required Governmental, Economic, and Community Development seat on the Board.

Ananda Sweet is the Economic and Workforce Development Manager at the Santa Rosa Metro Chamber and administers a variety of programs including the WHEEL (Worksite Held Employee English Learning) program, the Mike Hauser Academy for STEM (Science, Technology, Engineering and Math), and the Latinos in the Workplace Conference. This work is in collaboration with local private, public and nonprofit sectors to support workforce development, including programs that promote early childhood development and family-friendly workplace policies. Ms. Sweet fills a Business seat on the Board.

David Wayte is the Regional Administrator for the California Department of Rehabilitation in the Redwood Empire District, which serves the coastal regions of California from Napa to the Oregon Border. The mission of the Department is to assist disabled Californians to obtain and retain employment and to maximize their ability to live independently. Mr. Wayte fills a required Governmental, Economic, and Community Development seat on the Board.

Prior Board Actions:

September 11, 2018: Reappointed four members to the Workforce Investment Board.

May 22, 2018: Appointed three new members to the Workforce Investment Board, and reappointed four members to the Workforce Investment Board.

November 7, 2017: Appointed two new members to the Workforce Investment Board, and reappointed ten members to the Workforce Investment Board.

April 25, 2017: Appointed one new member to the Workforce Investment Board, and reappointed nine members to the Workforce Investment Board.

March 7, 2017: Appointed two new members to the Workforce Investment Board.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Workforce Investment Board makes recommendations and participates in workforce development initiatives and programs that are aligned with local employer needs, with the goal of building a prepared and trained Sonoma County workforce.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures	0	0	0

Funding Sources

General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	0	0	0

Narrative Explanation of Fiscal Impacts:

No fiscal impacts as members volunteer to serve on the Workforce Investment Board.

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Proposed Workforce Investment Board Membership Roster

Related Items "On File" with the Clerk of the Board:

None

Sonoma County Workforce Investment Board

Membership as of October 23, 2018

<u>Membership Category</u>	<u># of Seats</u>	<u>Name</u>	<u>Organization</u>
Business			
	1	Yale Abrams	Yale Abrams Consulting
	1	Ed Barr	P & L Specialties
	1	Robin Bartholow	North Coast Builders' Exchange
	1	Kristyn Byrne	C&S Waste Solutions
	1	Judy Coffey	Kaiser-Permanente
	1	Sara Cummings	Sonoma County Lodging Association
	1	Paul Duranczyk	Creekside Convalescent Hospital
	1	Brandy Evans	Goodwill Industries
	1	Steve Herrington	Sonoma County Office of Education
	1	Steve Herron	Exchange Bank
	1	Kristina Holloway	Healdsburg District Hospital
	1	Roy Hurd	Empire College
	1	Scott Kincaid	Facility Development Corporation
	1	Ananda Sweet	Santa Rosa Metro Chamber
	1	Pedro Toledo	Petaluma Health Center
	1	Susan Cooper	Community Action Partnership of Sonoma County
Total Seats	16		
Workforce Representatives			
	1	Chris Knerr	Cement Masons
	1	Chris Snyder	Operating Engineers
	1	George Steffensen	North Bay Labor Council
	1	Stephen Jackson	Sonoma County Office of Education
	1	Katrina Thurman	Social Advocates for Youth
	1	Keith Dias	SMART Local #104
	1	Steve Stobel	IBEW Local #551
	1	Anita Maldonado	California Human Development
Total Seats	8		
Education and Training			
	1	<i>Nancy Emanuele</i>	Petaluma Adult School
	1	Jerald Miller	Santa Rosa Junior College
	1	Lynn Stauffer	Sonoma State University
Total Seats	3		
Governmental and Economic and Community Development			
	1	Al Lerma	Sonoma County Economic Development Board
	1	<i>David Tam</i>	Employment Development Department
	1	David Wayte	Sonoma County Department of Rehabilitation
Total Seats	3		

Total Membership: 30



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 33
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Human Services Department

Staff Name and Phone Number:

Kellie Noe, 565-5849
Joni Thacher, 565-4560

Supervisorial District(s):

All

Title: Upstream Investments Portfolio Review Committee Appointments & Reappointments

Recommended Actions:

Approve the appointments of new Upstream Investments Portfolio Review Committee members Kathryn Pack, Mary Watts, Ariana Diaz de Leon, Nicollette Weinzveg and Cynthia King to serve an initial two-year term beginning on October 23, 2018, and ending on October 22, 2020.

Approve the re-appointments of current Upstream Investments Portfolio Review Committee members Alison Lobb, Liz Parra, Renée Alger, Carlos Ayala and B.J. Bischoff for an additional one-year term beginning on October 23, 2018, and ending on October 22, 2019.

Executive Summary:

The Upstream Investments Policy initiative, sponsored by the Sonoma County Board of Supervisors, seeks to promote effective and prevention-focused approaches that will ultimately uproot poverty and reduce monetary and societal costs to our community.

The purpose of the Upstream Portfolio Review Committee is to review submissions to the Portfolio of Model Upstream Programs in accordance with the Portfolio review and decision process, and to make recommendations for each submission. Additionally, the Review Committee is responsible for ensuring that the Portfolio submission criteria, review and decision-making process meet County policy and accepted industry practices related to evidence-based practice.

The Human Services Department (HSD) maintains an open recruitment process for the Upstream Portfolio Review Committee. Applications may be submitted directly to HSD staff at any time. All qualified applications are kept on file for two years and are used to fill vacant seats as needed. The Review Committee is made up of 8 – 15 individuals. Upon approval of this Board item 10 of 15 seats will be filled.

Discussion:

The Department recommends appointing the following individuals for a term ending on 10/22/2020:

Category

Early Childhood Development.....Kathryn Pack, First 5 Sonoma County
Local Funder..... Ariana Diaz de Leon, Community Foundation
Local Funder..... Nicollette Weinzveg, United Way of the Wine Country
Local Services Agency.....Cynthia King, Catholic Charities
Local Service Agency..... Mary Watts, Community Action Partnership

Membership Recommendations

The Department recommends reappointing the following individuals for a term ending on 10/22/2019:

Category

Health and Human Services..... Renée Alger, Department of Health Services
Criminal Justice.....Alison Lobb, Probation Department
Criminal Justice.....Liz Parra, Sheriff's Office
Local University or Colleges.....Carlos Ayala, Sonoma State University
Community at Large.....B.J. Bischoff, Bischoff Consulting

The full committee list is attached.

New appointments:

Kathryn Pack is recommended as a new appointed member of the Portfolio Review Committee.

- **Kathryn Pack** serves as a Health Program Manager at First 5 Sonoma County where she oversees evaluation and data collection activities as well as grantee capacity building. She earned her Doctorate Degree in Human and Community Development from the University of Illinois Urbana-Champaign with an emphasis in program development and evaluation. She has conducted and published research as a faculty member at the University of Oklahoma and gained extensive experience leading quantitative and qualitative community-based evaluation projects as a Project Manager at Applied Survey Research in San Jose, California.

Mary Watts is recommended as a new appointed member of the Portfolio Review Committee.

- **Mary Watts** serves as the Deputy Director for Community Action Partnership of Sonoma County. Through her work, she has learned to evaluate the effectiveness of public programs and policies. She oversees the direct implementation of several existing programs and the development of new programs. Mary received her Master's Degree in Public Administration from Sonoma State with an emphasis in Public Management. She has been trained in public policy and budgeting.

Ariana Diaz de Leon is recommended as a new appointed member of the Portfolio Review Committee.

- **Ariana Diaz** de Leon serves as Program Officer at Community Foundation Sonoma County where her grant-making fields of interest include Health and Human Services and Environment. Prior to this position, she was a Data Analyst for the Office of Reporting & Analytics at Sonoma State University, where she received a Master's Degree in Public Administration with an emphasis on Public Management. Ariana also holds a Bachelor of Arts in Social Work from California State University, Long Beach.

Nicollette Weinzveg is recommended as a new appointed member of the Portfolio Review Committee.

- **Nicollette Weinzveg** serves as the Education Program Officer at United Way of the Wine Country where she leads the Schools of Hope, School Readiness Backpack, Summer Reading Pack, and Little Free Library programs. Nicollette is passionate about early literacy and dedicated to ensuring children have the tools and support they need to succeed in school and life. Nicollette holds a Bachelor of Science in Criminal Justice from Sacramento State University.

Cynthia King is recommended as a new appointed member of the Portfolio Review Committee.

- **Cynthia King** serves as Assistant Director at Catholic Charities. Since completing her Master's Degree in Social Work and Public Health at the University of California Berkeley, Cynthia worked at or consulted with public and nonprofit agencies in social services and education providing evaluation, data analysis and presentation, and program development for over 15 years. Her areas of focus include food access, financial stability, health and wellness, and disaster recovery with an emphasis on systems integration and improvement.

Prior Board Actions:

May 23, 2017: The Board appointed six (6) new members and reappointed three (3) members to the Portfolio Review Committee.

August 30, 2016: The Board appointed five (5) new members to the Portfolio Review Committee.

May 3, 2016: The Board reappointed one (1) member to the Portfolio Review Committee.

March 1, 2016: The Board appointed one (1) new member to the Portfolio Review Committee.

January 26, 2016: The Board appointed two (2) new members to the Portfolio Review Committee.

Strategic Plan Alignment Goal 3: Invest in the Future

The Upstream Investments Policy seeks to eliminate poverty in Sonoma County and ensure equal opportunity for quality education and good health in nurturing home and community environments.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures	0	0	0
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	0	0	0
Narrative Explanation of Fiscal Impacts:			
There is no additional fiscal impact to approve the appointments of the five current and five new Portfolio Review Committee members.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
N/A			
Attachments:			
Upstream Portfolio Review Committee Roster			
Related Items "On File" with the Clerk of the Board:			
None			



Portfolio Review Committee Members

<u>Category</u>	<u>Name</u>	<u>Term Ending</u>
County Administrator's Office Up to 1 member	Vacant	
Health and Human Services Up to 4 members	Renée Alger, Department of Health Services	10/22/19
Criminal Justice Up to 4 members	Alison Lobb, Probation Department.....	10/22/19
	Liz Parra, Sheriff's Department	10/22/19
Early Childhood Development Up to 2 members	Kathryn Pack, First 5 Sonoma County	10/22/20
K-12 Education Up to 2 members	Mary Watts, Community Action Partnership.....	10/22/20
Local Funder Up to 3 members	Ariana Diaz, Community Foundation Sonoma County	10/22/20
	Nicollette Weinzveg, United Way of the Wine Country	10/22/20
Local Universities or Colleges Up to 2 members	Carlos Ayala, Sonoma State University.....	10/22/19
Community at Large Up to 2 members	B.J. Bischoff, Bischoff Consulting.....	10/22/19
Local Services Agencies Up to 2 members	Cynthia King, Catholic Charities	10/22/20



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 34
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Human Services Department

Staff Name and Phone Number:

Paul Dunaway 565-3673
Mark Orlando 565-5955

Supervisorial District(s):

Title: Veterans Day Recognition

Recommended Actions:

Adopt a resolution honoring November 11, 2018 as "Veterans Day" in Sonoma County.

Executive Summary:

Veterans Day was established in 1919 as Armistice Day to commemorate the signing of the peace agreement that ended World War I on the 11th hour of the 11th day of the 11th month of 1918.

Discussion:

In proclaiming the holiday, U.S. President Woodrow Wilson said: "To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory." In 1938, a Congressional Act passed which made November 11 in each year a legal holiday, known as Armistice Day. In 1954, the veterans' service organizations urged Congress to change the word "Armistice" to "Veterans." President Eisenhower signed a bill establishing Veterans Day as a national holiday. He proclaimed: "In order to insure proper and widespread observance of this anniversary, all veterans, all veterans' organizations, and the entire citizenry will wish to join hands in the common purpose...."

There are over 27,000 Sonoma County Veterans whom we honor on Veterans Day. Many Veterans remain unaware of, or do not use, the benefits and services for which they are eligible. Though a majority of these Veterans may be eligible for medical care from the U.S. Department of Veterans Affairs, only approximately 8,000 are enrolled and accessing health care through the federal agency. Of the total Veteran population in the County:

- The highest population is in the 60-79 year old age group (Vietnam)
- Approximately 8% are women veterans
- 78% of Sonoma County Veterans are Wartime Veterans
- 18% of County Veterans are receiving some form of disability compensation or non-service

disability pension from the VA.

The County of Sonoma Veterans Service Office plays a key role in ensuring that all Veterans in Sonoma County are aware and have the opportunity to receive the services and benefits that they earned through their service to our nation. Over the years, the Veterans Service Office has played a primary role in Veterans receiving these benefits. The Veterans Service Office had over 4,800 client visits and nearly 16,000 phone calls during fiscal year 2017-18, including approximately 1,300 clients seeking services for the first time. In FY 2017-18, the Veterans Service Office helped bring \$14.1M in new and retroactive compensation and pension benefits from Veterans Affairs. U.S. Department of Veterans Affairs spending on benefits for Sonoma County residents is significant. In federal FY 2018, total Veterans Affairs spending in Sonoma County was \$218,000,000, including over \$105,000,000 on medical care and \$99,600,000 on direct payments to Veterans in the form of service connected disability compensation and non-service connected disability pensions.

The Veterans Service Office collaborates with the U.S. Department of Veteran Affairs' Community-Based Outpatient Clinic in Santa Rosa and Vet Center; and the Sonoma County United Veterans Council. The United Veterans Council represents over 30 Sonoma County Veteran organizations and various community-based organizations, such as Vietnam Veterans of California. Veterans' organizations and Veteran volunteers in the community work tirelessly along with the Veterans Service Office to help veterans get the benefits they are entitled to receive.

Additionally, many County of Sonoma agencies actively serve Veterans on a routine basis. Highlights include: Regional Parks disabled Veteran day use park access permits; Tax Assessor disabled Veteran property tax exemption; Sonoma County Transit Veterans Ride Free program; Santa Rosa City Bus; \$10 prepaid Clipper Cards to 50 veterans who visit the Veteran's Service Office; Department of Health Services participation in VetConnect outreach activities for homeless Veterans; Human Services Department Economic Assistance eligibility workers helping homeless Veterans access benefits at VetConnect; Employment and Training Division staff helping Veterans find employment; and the significant Sonoma County contribution to establish The Palms Inn as an opportunity to create housing for 60 homeless Veterans.

The County Veterans Service Office has implemented a local Veteran ID card program. To date, over 3,300 local ID cards have been issued. These ID cards allow low income or homeless Veterans to access health care and other services with free transportation on Sonoma County transit and Santa Rosa CityBus.

Sonoma County Veterans Service Office has implemented the provisions of California Assembly Bill 935 (Veteran designation on CA Driver's License). This program allows Veterans to have their status recognized on a government issued identification card, and over 1,050 Veterans have taken advantage of this benefit. This new outreach activity has resulted in 441 new claims being filed by veterans who were previously unaware of benefits.

The outstanding support from local government agencies, combined with supportive community based organizations and the U.S. Department of Veterans Affairs, makes Sonoma County a great place to be a Veteran. The Veterans of Sonoma County are appreciative of the Board of Supervisors' support of the

Veterans Service Office and the Veteran community as a whole.

Planned Sonoma County Veterans Day activities on November 11, 2018:

Sebastopol: Event details, location and time TBD

Cloverdale: 7:00 PM ceremony at Cloverdale Veterans building at 205 W. First St.

Healdsburg: 10:00 AM ceremony at Healdsburg Plaza

Windsor: 11:00 AM ceremony at Windsor Town Green (Bud Sparks Pavilion)

Santa Rosa: 10:30 AM Flag raising ceremony at Santa Rosa City Hall

Rohnert Park: 10:30 AM Rohnert Park Community Center

Petaluma: 12:00 PM Veterans Day Parade

Sonoma: 11:00 AM ceremony at Sonoma Veterans Memorial building

Prior Board Actions:

Each year the Board of Supervisors adopts a resolution honoring November 11, as “Veterans Day” in Sonoma County.

November 7, 2017

November 1, 2016

November 10, 2015

November 4, 2014

Strategic Plan Alignment Goal 4: Civic Services and Engagement

To publically celebrate and honor veterans of the armed services for their patriotism, bravery, and loyal dedication to serving our country.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures	0	0	0
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	0	0	0
Narrative Explanation of Fiscal Impacts:			
None.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None.			
Attachments:			
Resolution			
Related Items “On File” with the Clerk of the Board:			
None.			



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____

Resolution Number: _____



4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Honoring November 11, 2018, As "Veterans Day".**

Whereas, throughout our nation's history, Sonoma county men and women have put on the uniform of our Armed Forces and have sworn an oath to support and defend our Constitution; and

Whereas, Veterans Day has been set aside as a federal, state and county holiday to honor our American patriots who answered the call of duty, preserving our freedoms, and often making the ultimate sacrifice; and

Whereas, we can never fully repay our debt of gratitude to the heroic men and women who served, were wounded, perished or remain missing in action as a result of their service; and

Whereas, the unwavering commitment of our Army, Navy, Marine Corps, Air Force, Coast Guard, and Merchant Marine service members have preserved our rights and freedoms and also preserved or established similar freedoms for millions of citizens of other nations; and

Whereas, we continue to draw inspiration from the heroism and dedication of those who currently serve and sacrifice for the cause of liberty and justice; and

Whereas, it is fitting that the citizens of Sonoma County honor America's military veterans, including the over 27,000 veteran citizens currently living in Sonoma County, through whose service and sacrifice we today enjoy freedom and liberty.

Now, Therefore, Be It Resolved that the Sonoma County Board of Supervisors does hereby recognize November 11, 2018, as Veterans Day and call upon all citizens to honor those men and women who have answered the call of service to protect his great nation.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 34A
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors of the County of Sonoma, Board of Directors of the Sonoma County Water Agency, Board of Commissioners of the Community Development Commission, and Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Human Resources

Staff Name and Phone Number:

Janie Carduff, (707) 565-3995

Supervisorial District(s):

All

Title: Side Letter to the Memorandum of Understanding between the County of Sonoma and Service Employees' International Union, Local 1021.

Recommended Actions:

Adopt a Concurrent Resolution approving a Side-Letter Agreement between the County of Sonoma and the Service Employees' International Union Local 1021.

Executive Summary:

The County of Sonoma and Service Employees' International Union Local 1021 (SEIU) agreed to meet and confer during the term of the Memorandum of Understanding (MOU), to address significant staffing, recruitment and retention, training, and other issues in the Human Services Department (HSD) Family, Youth, and Children (FY&C) Division. The County and SEIU met and conferred and reached a Side-Letter Agreement (Attachment A) which both parties believe will help address the challenges unique to FYC.

Discussion:

The County met and conferred with SEIU to address significant staffing, recruitment and retention, training, and other issues specifically related to Social Service Worker IV and Social Service Supervisor II positions in the Human Services Department (HSD) Family, Youth, and Children (FY&C) Division. The parties reached a Side-Letter Agreement which includes the following:

Compensatory Time Off for Family Youth and Children Division Employees

Effective the pay period beginning January 29, 2019, when a Social Service Worker IV or Social Service Supervisor II in the Family Youth and Children Division of Human Services works overtime, the employee may elect to be paid in cash or to bank compensatory time off as provided for under Section 7.16 of the MOU, or the employee may elect to be compensated for the overtime at one and one half (1.5) times

the regular rate of pay broken out so that one hour (1) is credited to the employee's compensatory time off bank and half an hour (.5) is paid as cash for each hour of overtime worked.

Standby – Human Services Department – Family Youth and Children's Division

Effective March 1, 2019, to respond to reports of child abuse, all Social Services Worker IV's in the Family Youth and Children's Division must sign up for standby shifts. Training for standby Emergency Response phone and field work is mandatory for all Social Service Worker IV's in FY&C. Training will be completed by March 1, 2019, for Social Service Worker IV's on staff as of Board adoption of this Side-Letter Agreement.

Family, Youth, and Children Division Labor/Management Committee on Workload

Starting in December 2018, there shall be six monthly meetings, and then quarterly meetings between the Family, Youth, and Children Division (FY&C) of the Human Services Department and the Union, until April 2020 unless otherwise mutually agreed upon to continue. The purpose of this committee is to have a collaborative and solution focused discussion on staffing levels, the existing amount and nature of work, and to share information and ideas on the workload issues throughout the FY&C Division.

In addition to the above, the parties have also agreed to the following:

Classification Study and Temporary Premiums

The County agrees to conduct an expedited classification study of Social Service Worker IV and Social Services Supervisor II positions that are allocated to the Family and Youth Services (FY&C) division of the Human Services Department. The purpose of the study will be to consider reclassification of said positions to job classes that more appropriately reflect the work performed in the FY&C Division.

During the classification study process, effective for the pay period starting November 6, 2018, and through the effective date of the classification study changes as adopted by the Board of Supervisors, FY&C incumbents in the Social Service Worker IV and Social Service Supervisor II job class will receive a 5% premium. In addition, incumbents in the Social Service Worker IV and Social Service Supervisor II job classes working in Emergency Response Field, Emergency Response Intake, and Redwood Children's Center will receive an additional 5% premium. The premiums will expire the same date the classification study is adopted by the Board of Supervisors.

Social Service Worker Salary – E Step

The County agrees to move all Social Service Worker IV's in the Family Youth and Children Division whose current salary is below the E-salary step to the E-salary step of the Social Service Worker IV salary scale.

Prior Board Actions:

July 20, 2018, Board adopted the SEIU MOU, Resolution #18-0262

Strategic Plan Alignment Goal 3: Invest in the Future

These additional provisions reflect the joint efforts of the County and SEIU to improve recruitment, retention, and wellbeing of staff and provide additional operational flexibility for staffing and shift coverage.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	\$344,666	\$53,020	\$53,020
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF	34,466	5,302	5,302
State/Federal			
Fees/Other	310,199	47,718	47,718
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
<p>The temporary premium during the time of the classification study is \$309,319, of which approximately \$30,931 is General Fund, and the premium is expected to expire the end of February 2019. The FY 18/19 cost of moving 14 employees to the E-salary step is \$35,347. Of this cost, approximately \$3,534 is General Fund.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None			
Attachments:			
1. Concurrent Resolution 2. Attachment A – Signed Side Letter			
Related Items “On File” with the Clerk of the Board:			
None			



County of Sonoma
State of California

Date: October 23, 2018

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Concurrent Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, The Board of Directors of the Sonoma County Water Agency, Sonoma County Agricultural Preservation and Open Space District, The Board of Commissioners of the Sonoma County Community Development Commission, Approving a Side-Letter Agreement Between The County Of Sonoma And The Service Employees' International Union, Local 1021.

Whereas, the Service Employees' International Union, Local 1021, is a recognized employee organization representing bargaining units 01, 05, 10, 25, 80, and 95; and

Whereas, the County agreed to meet and confer with representatives of SEIU to address significant staffing, recruitment and retention, training, and other issues specific to the Family, Youth and Children (FY&C) Division of the Human Services Department; and

Whereas, the County and SEIU met and conferred and have reached a tentative agreement on the terms and conditions of a Side-Letter Agreement to be recommended to the Board of Supervisors and Board of Directors for approval; and

Whereas, the terms and conditions of the Side-Letter Agreement are within the prescribed authority of this Board; and

Whereas, the County has satisfied its obligation under Government Code Section 3505 and the County Employee Relations Policy to meet and confer over the terms and conditions of employment contained in the recommended Side-Letter Agreement (Attachment A);

Now, Therefore, Be It Resolved that this Board hereby approves the Side-Letter Agreement (Attachment A), which is attached and incorporated by reference herein.

Be It Further Resolved that the terms and conditions of the Side-Letter Agreement shall be in full force and effect from October 23, 2018, except as specified otherwise in the Side-Letter Agreement.

Be It Finally Resolved that the County Administrator, Director of Human Resources, and Auditor-Controller-Treasurer-Tax Collector have the authority to

Resolution #

Date:

Page 2

take any necessary administrative actions to implement the provisions of this resolution, including the authority to execute administrative changes to plan documents and MOUs as needed and/or make corrections of a non-financial nature.

Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

SIDE LETTER AGREEMENT BETWEEN
COUNTY OF SONOMA AND
SERVICE EMPLOYEES' INTERNATIONAL UNION LOCAL 1021

October 16, 2018

The County of Sonoma ("County") and Service Employees' International Union Local 1021 ("Union"), agreed to meet and confer during the term of the Memorandum of Understanding (MOU), to address significant staffing, recruitment and retention, training, and other issues in the Human Services Department Family, Youth, and Children Division.

The County and the Union met and conferred and have agreed to the following changes to the MOU:

7.16 Compensatory Time Off (CTO) -- Employee Choice

The employee assigned to overtime and eligible for compensatory time off (CTO) shall make an irrevocable choice each time such overtime is accrued whether to be compensated in cash at one and on half (1.5) times the base hourly rate or in CTO until a maximum of one hundred twenty (120) hours of CTO have been accrued.

7.16.1 Sonoma County Fair And Exposition Employees (Fairgrounds)

Effective July 1, 2012, employees assigned to the fairgrounds between June 1 and August 30 of each fiscal year during the Sonoma County fair season shall be eligible for overtime and CTO as specified in Sections 7.14 and 7.16 and shall make an irrevocable choice each time such overtime is accrued whether to be compensated in cash at one and one half (1.5) times the employee's base hourly rate or in CTO until a maximum of two hundred and forty (240) hours of CTO have been accrued.

An employee assigned to the fairground must use the CTO earned in excess of the normal one hundred twenty (120) hours maximum CTO accrual before the end of the last full pay period in the fiscal year the CTO was earned and accrued. Effective July 1 of the next fiscal year, the County shall pay the fairground employee for any accrued CTO hours in excess of one hundred twenty (120) hours of CTO not used by June 30 of the fiscal

year in which the CTO was accrued. The County will pay fairground employees who transfer to any other County department or agency for the accrued CTO hours in excess of eighty (80) hours prior to the date of the transfer.

7.16.2 Family Youth and Children Division Employees

Effective the pay period beginning January 29, 2019, when a Social Service Worker IV or Social Service Supervisor II in the Family Youth and Children Division of Human Services works overtime, the employee may elect to be paid in cash or to bank compensatory time off as provided for under this section 7.16 – or, the employee may elect to be compensated for the overtime at one and one half (1.5) times the regular rate of pay broken out so that one hour (1) is credited to the employee's compensatory time off bank and half an hour (.5) is paid as cash for each hour of overtime worked. The election will apply to all hours in each overtime shift. If the overtime worked is within eight (8) hours of the start of their shift, the employees may request to use compensatory time off per Section 7.19 in the next shift or within the pay period, based on department requirements and individual preference.

9.5 Standby – Human Services Department; Adult Protective Services And Child Protective Services

Effective March 1, 2019, Tto respond to reports of elder abuse ~~or child abuse~~, Social Services Worker IV's in Adult and Aging may volunteer to be on standby as described in Section 9.3. To respond to reports of child abuse, all Social Services Worker IV's in the Family Youth and Children's Division ~~who serve in the Emergency Response Programs will have first priority to sign up for volunteerary~~ must sign up for standby shifts. Training for standby ER phone and field is mandatory for all Social Service Worker IV's. Training will be completed by March 1, 2019, for Social Service Worker IV's on staff as of Board adoption. Any remaining shifts will then be available on a voluntary basis to all Social Services Worker IV's trained in Emergency Response Investigations and Standby Policies and Procedures. To support the Social Services Worker IV on standby, Social Services Supervisor II's who are trained in supervising Emergency Response Investigations and Standby Policies and Procedures may volunteer to be on a separate standby rotation as described in Section 9.3. At the option of each Division, employees may volunteer for standby assignments in a one (1) day or a one (1) week period.

In the event there are insufficient volunteers, the County may will assign employees to be on standby in each Division as described in Section 9.3. Social Service Worker IV's in the ~~Emergency Response Program~~ Family Youth and Children's Division and Adult Protective Services Emergency Response Program and Social Services

Supervisor II's in their respective Divisions shall be assigned to standby on a rotating basis using the inverse seniority list with the following exemptions:

- a) Approved vacations will be honored and employees will be exempt from the mandated inverse seniority list for the time of their vacation.
- b) Social Services Worker IV's who are not trained in Emergency Response Investigations and Standby Policies and Procedures will be exempt from the mandated inverse seniority list until they are trained.
- c) Social Services Supervisor II's who are not trained in supervising Emergency Response Investigations and Standby Policies and Procedures will be exempt from the mandated inverse seniority list until they are trained.
- ~~d) Employees with documented medical restrictions will be exempt from the mandated inverse seniority list for the duration of their medical restriction.~~
- ~~e) Employees in the Family, Youth, and Children Division in the Emergency Response Late Shift Program are exempt from participating in standby on shifts where they are scheduled to work their regular shift.~~
- e)d) All probationary employees will be exempt from the mandated inverse seniority list.
- f)e) Employees in the Family, Youth, and Children Division ~~in the Emergency Response Program~~ who have volunteered for at least ~~two~~^{three} (2³) standby shifts within a given month are exempt from the mandated inverse seniority list for that month.

Employees may trade standby assignments with other employees once the standby calendar has been filled and posted.

All Social Services Worker IV's assigned to the Emergency Response Program in the Adult & Aging Division and all Social Services Worker IV's in Family, Youth and Children Divisions will be trained in Emergency Response Investigations and Standby Phone and Field Policies and Procedures in their respective programs. All Social Services Supervisor II's in the Adult & Aging and Family, Youth and Children Divisions will be trained in supervising Emergency Response Investigations and Standby Phone and Field Policies and Procedures in their respective programs. Such training will occur by the end of their probationary period or within 3 months of the ratification and Board of Supervisor approval of this contract.

19.11 Family, Youth, and Children Division Labor/Management Committee on Workload

This section shall sunset in April 2020, unless otherwise mutually agreed upon to continue. Starting in December 2018, there shall be six monthly meetings, and then quarterly meetings between the Family, Youth, and Children Division (FY&C) of the Human Services Department and the Union. Meeting timelines can be changed by mutual agreement. The purpose of this committee is to have a collaborative and solution focused discussion on staffing levels, the existing amount and nature of work, and to share information and ideas on the workload issues throughout the FY&C Division. The meetings will include up to five (5) SEIU representatives, stewards, or represented employees, and five (5) HSD managers, including the Human Services Department FY&C Division Director. This Labor/Management committee will produce meeting minutes after each meeting detailing any workload issues brought forward, possible solutions that were explored, and any agreed upon actions. These minutes shall be accessible to all FY&C employees thru the intranet.

If the specific workload issues discussed remain unresolved after two (2) meetings, upon the request of the Union, the Human Services Department Head shall join the next meeting to provide guidance regarding workload and staffing issues in FY&C.

In addition to the above changes to the MOU, the parties have also agreed to the following:

Classification Study and Temporary Premiums

The County agrees to conduct a classification study of Social Service Worker IV and Social Services Supervisor II positions that are allocated to the Family and Youth Services (FY&C) division of the Human Services Department. Human Resources staff will conduct the study. The purpose of the study will be to consider reclassification of said positions to job classes that more appropriately reflect the work performed in the FY&C Division. The County will agree to the following classification study timeline:

DUE DATE	ACTION	OWNER	COMMENTS
10/22/18	Provide Position Description Questionnaires (PDQ) to incumbents	HR	An informational meeting to explain the PDQ will be offered with up to 2 employees from each unit the week of 10/22/18
2 weeks +2 business	Group Interview Sessions: HR/SEIU	HR/SEIU	4 group meetings of FYC SSW IVs: 3 meetings to include a

days(11/5/18-11/20/18)	to coordinate meeting times during this period; SEIU to coordinate meeting attendees; HR to coordinate interviews with FYC management		representative from each major program in FYC, and 1 meeting with SSS IIs from each unit within FYC, and 1 group meeting of SSW IVs who are not assigned to FYC. Notes: 1) This process will not involve all incumbents, only a represented sample with each group meeting not to exceed 8 incumbents and one union representative. 2) A single, group PDQ from each respective major program within FYC for SSWIV must be provided to HR at the time of the meetings; SSS IIs may complete one group PDQ which must be provided at the time of the meeting; PDQs must be sufficiently and thoughtfully completed.
6 weeks (excluding the week of December 24 th - (11/26/18-1/11/19)	Classification study, class specifications, salary recommendations released to SEIU and incumbents	HR	Taking into consideration the holiday week. Civil Service Meeting date February 7, 2019 assuming recommendation is reclassification.
30 days (1/14/19-2/13/19)	Meet and confer on recommendation, specs, and compensation	HR/SEIU	Assumes one meeting/week meet and confer meetings with up to 5 County and up to 5 SEIU representatives; Civil Service meeting date above assumes recommendation and any related job specification are agreed to by 1/31/2018; meetings to be scheduled for 2 hours, up to 4 hours of release time for SEIU attendees per meeting. Additional representatives must be mutually agreed to by County and SEIU. Extension of the meet and confer process must

			be mutually agreed to by County and SEIU. Extension of these dates will impact Civil Service and Board meeting dates.
2/26/19	Board of Supervisors considers classification recommendations	HR	Assumes there is a Board meeting on this date and there are no Board meetings on 2/12 and 2/19 due to holidays; if Board meeting on 2/19, then that Board date will be the targeted date.

The above timeline assumes all parties (SEIU, incumbents, County, HSD management) meet the agreed upon timelines. If there are unique or compelling issues with any of the involved parties (SEIU, incumbents, County, HSD Management) that will create an undue hardship to meet the timeline, the parties must mutually agree, in writing, to an amended timeline.

During the classification study process, effective for the pay period starting November 6, 2018, and following the date the PDQs are released, through the effective date of the classification study changes as adopted by the Board of Supervisors, FY&C incumbents in the Social Service Worker IV and Social Service Supervisor II job class will receive a 5% premium. In addition, incumbents in the Social Service Worker IV and Social Service Supervisor II job classes working in ER Field, ER Intake, and Redwood Children’s Center will receive an additional 5% premium. The premiums will expire the same date the classification study is adopted by the Board of Supervisors.

If the County meets its timelines as stated above, there will be no consideration of advanced step placement upon completion of the classification study for any incumbents.

The classification study timeline stated herein does not establish a precedent or any future expectations on any current or future classification study requests by incumbents or SEIU. The premium paid during this classification study is not indicative of the outcome and does not establish a precedent or any future expectations for future classification studies.

Social Service Worker Salary – E Step

The County agrees to move all Social Service Worker IV's in the Family Youth and Children Division whose current salary is below the E-step to the E-step of the Social Service Worker IV salary scale.

This change will apply only to staff who are eligible as of the date of the agreement.

1. This Side Letter sets forth the full and entire understanding of the parties regarding the matters set forth herein. Any other prior or existing understanding or agreements by the parties, whether formal or informal, regarding any such matters are hereby superseded or terminated in their entirety.
2. SEIU agrees that the County has met its obligation to meet and confer on the contents of this Side Letter.
3. No agreement, understanding, variation, waiver or modification of any of the terms or provisions contained herein shall in any manner be binding upon the parties hereto unless made and executed in writing by the parties hereto and, if required, approved and implemented by the County's Board of Supervisors.
4. The waiver of any breach, term or condition of this Side Letter by either party shall not constitute a precedent in the future enforcement of all its terms and provisions.

COUNTY OF SONOMA:

~~_____~~
Kane Eis

Jamie Cuduff

Jennifer Tobin

DATE: 10/18/18

SEIU:

~~_____~~

~~_____~~
Shannen Daley

~~_____~~

Cathy Lynn

DATE: 10/18/18



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 35
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Informational Only

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor David Rabbitt, 707/565-2241

Supervisorial District(s):

Second District

Title: Informational Presentation: Committee to House the Bay Area (CASA)

Recommended Actions:

Receive informational presentation by the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) regarding the CASA Compact

Executive Summary:

MTC/ABAG staff will provide an overview of CASA and the initial ideas under consideration for a "compact" that addresses the three primary concerns of CASA, known as the "3 Ps," for how to increase the *production* of housing, particularly affordable housing, how to ensure the *preservation* of the existing affordable housing stock and how to ensure the *protection* of current residents against displacement pressures that arise from new construction.

Discussion:

Prior Board Actions:

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Related Items “On File” with the Clerk of the Board:			



The Committee to House the Bay Area

Presentation to Sonoma County Board of Supervisors
October 23, 2018

54

Percent of household income

Even w/ PBA 2040, between 2005 and 2040
Housing costs will rise by **12-13 percent points**
while
Transportation costs will rise **1 percent point.**

67

Percent of household income

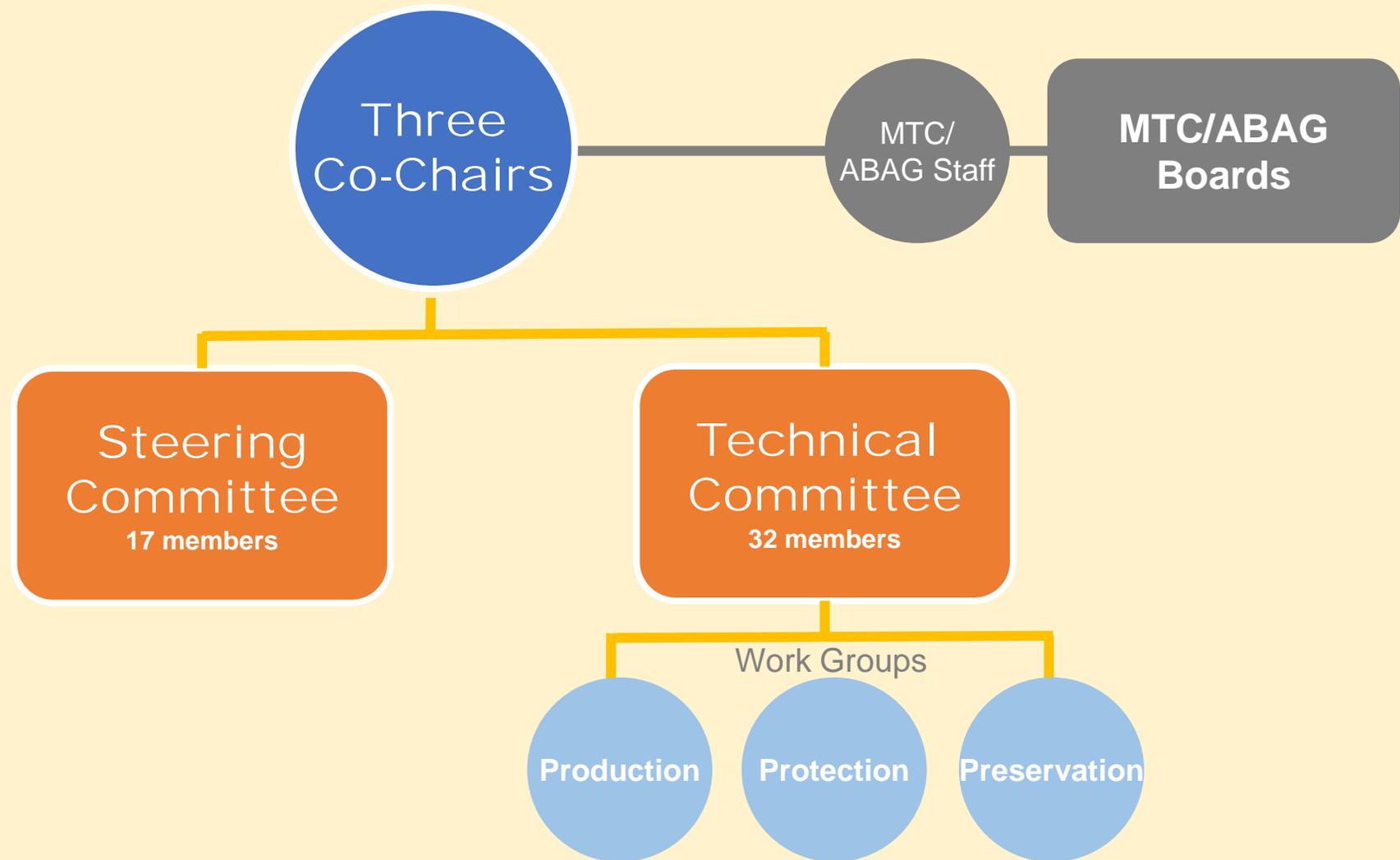
H + T Costs
For Lower-Income
Households

2005

H + T Costs
For Lower-Income
Households

2040

What is CASA? Blue-Ribbon Committee Convened by MTC and ABAG to Find “Game-Changing” Solutions



It Will Take More than One Strategy to Fix the Crisis



Regulatory Relief



Policy Toolkit



Funding /Resources



State Support



Awareness /Engagement

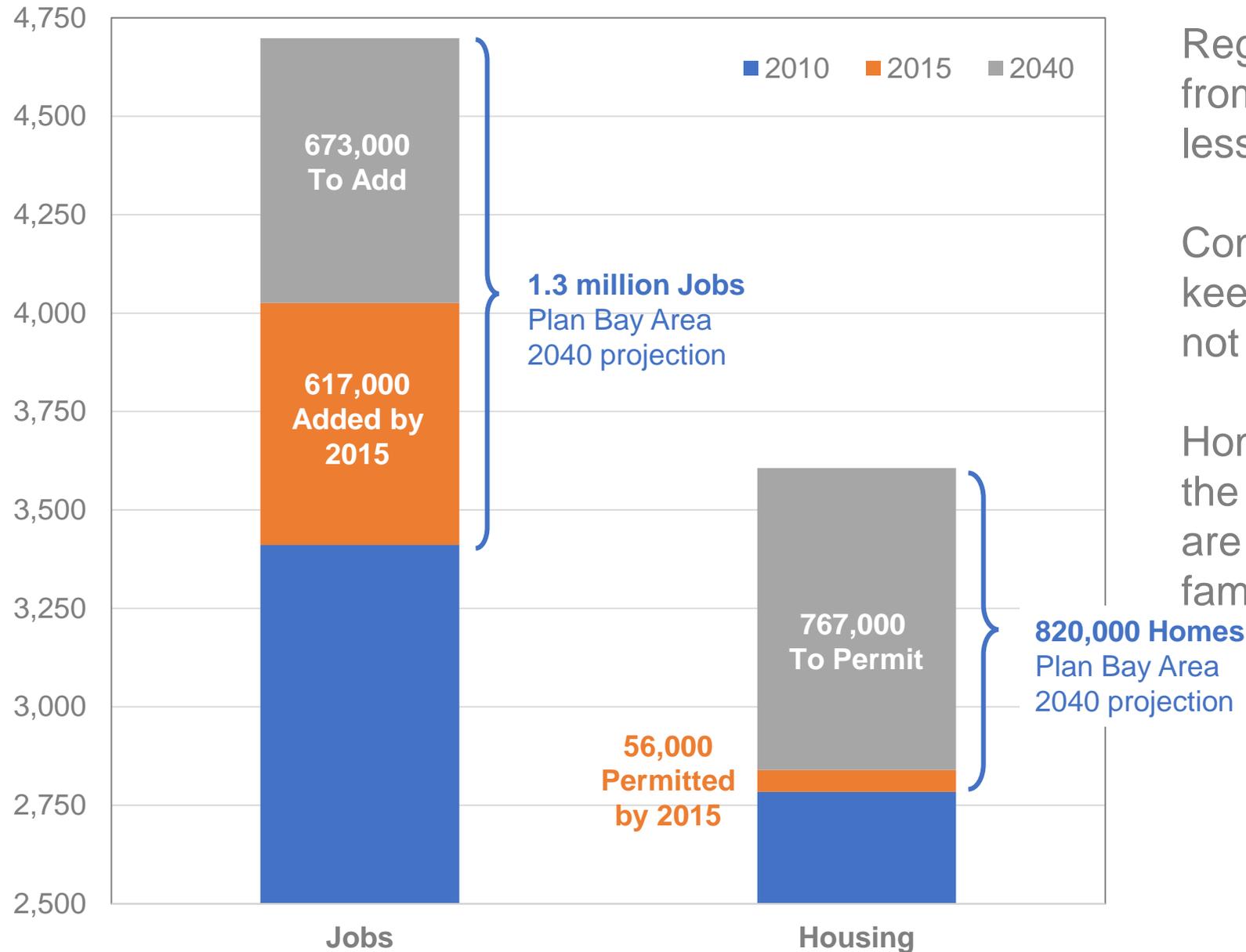
Protection

Preservation

Production

Job Growth Outpaced Housing Permits Regionwide From 2010-2015

Source: PBA 2040 Growth Forecast and Projections

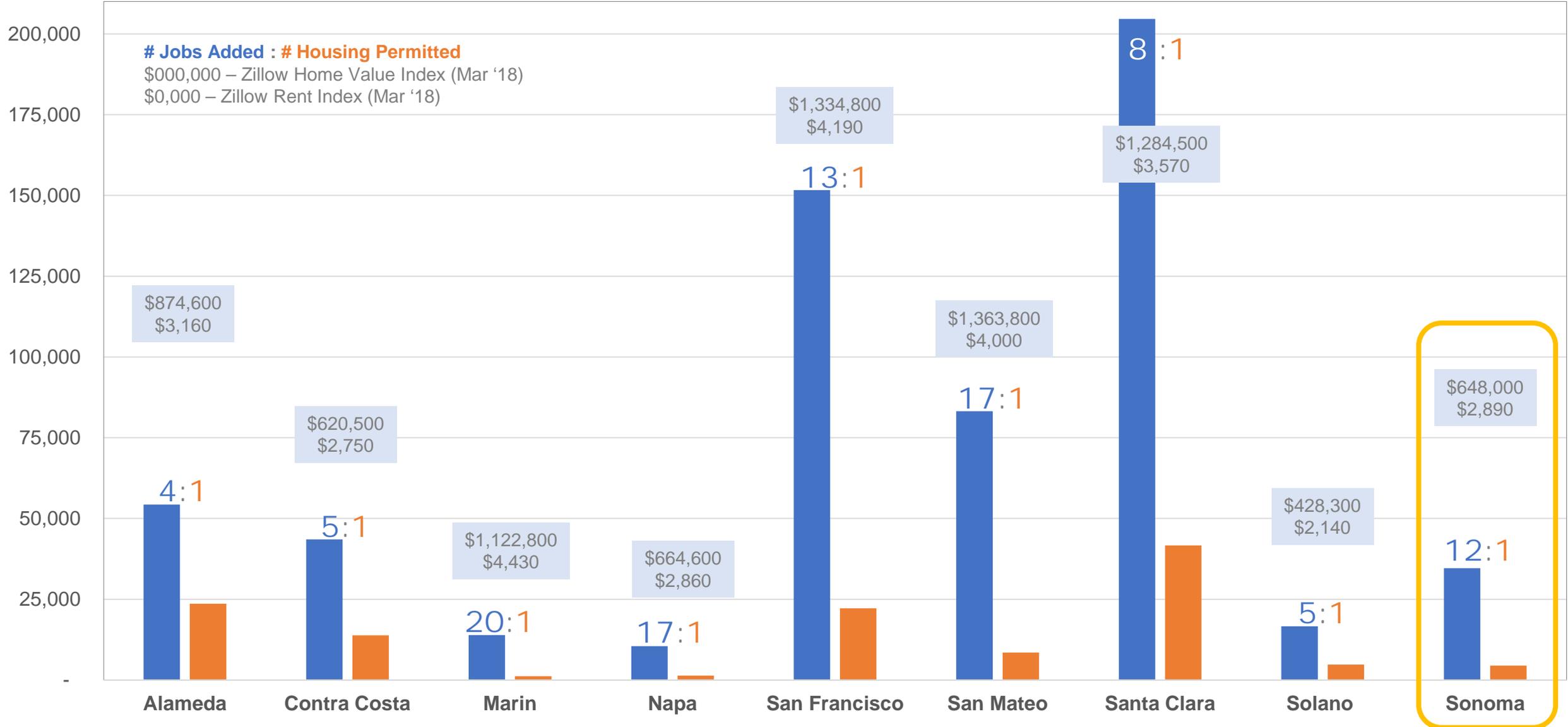


Region added over 600,000 jobs from 2010-2015, but permitted less than 60,000 homes.

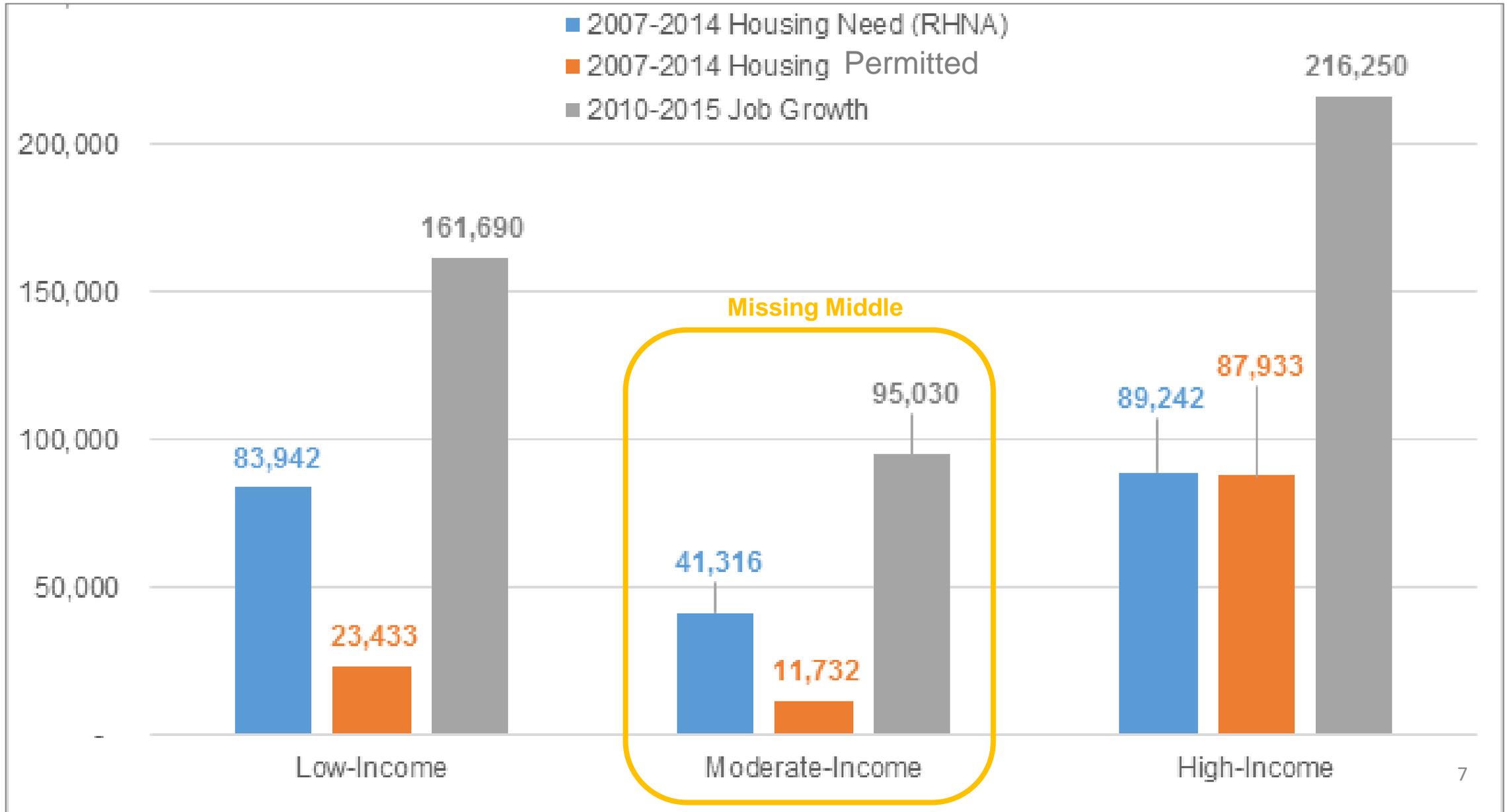
Commercial development is keeping pace with demand but not housing.

Homelessness has grown across the region; rents and home prices are beyond the reach of most families.

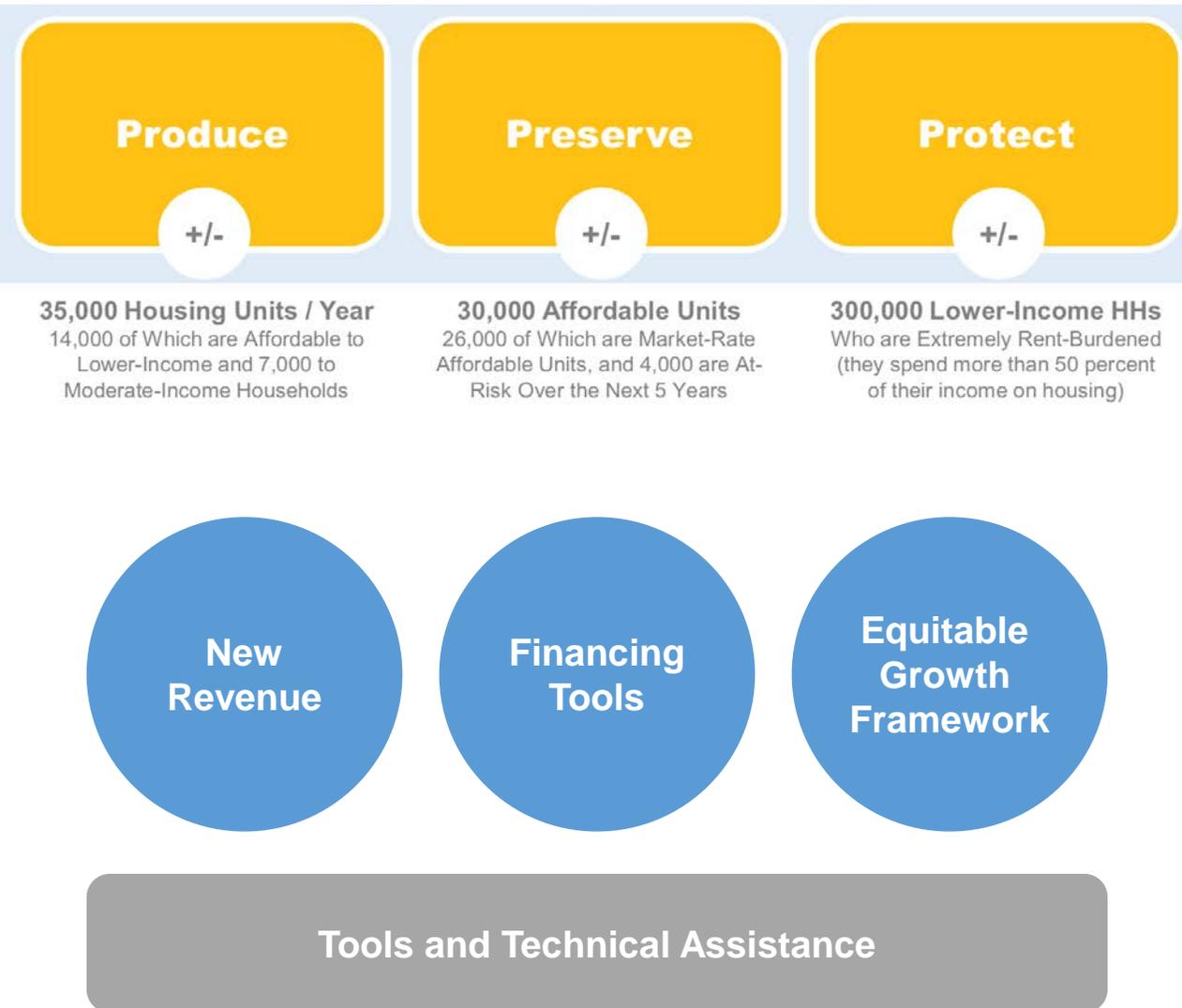
Sonoma Added 1 Housing Unit for Every 12 Jobs Between 2010 to 2016



Affordable Housing Permits Are Lower Than Identified Need



CASA Targets and Key Components of the Compact



Protection

1. **Permanent anti-gouging rent cap w/ catch-up provision** (part of Costa-Hawkins reform)
2. **Stronger just cause eviction requirements** (part of Costa-Hawkins reform)
3. **Tenant services and right to counsel**
4. **Short-term rental and relocation assistance**
5. **Rent stabilization incentives for landlords**

Preservation

6. **Regional tracking and notification system** (for expiring deed-restricted units and naturally-affordable units)
7. **Flexible housing preservation funding** (incl., incentives for code compliance)
8. **More preservation at the local level** (incl., one-to-one unit replacement requirement, first-right-of-refusal to non-profit organizations and tenants, and capacity-building and education)
9. **Tax on vacant and under-utilized units and parcels** (esp., within TOD areas)

Production (market-rate and affordable)

10. **More types of housing in different neighborhoods** (incl., ADUs in single-family neighborhoods, affordable housing in high-opportunity neighborhoods, and higher-density housing outside PDAs)
11. **Lower net cost of new construction** (incl., innovation and use of technology, growth in professional and construction workforce, limiting impact fees, and reform of green building requirements)
12. **Entitlement reform to reduce delays and improve compliance with state law** (incl., permit streamlining, CEQA reform, and RHNA reform)
13. **Fiscal incentives and requirements for jurisdictions** (incl., infrastructure funding and financing tools, and transportation funding conditions)

Production (affordable)

14. **Affordable housing production funding** (Incl., new sources of regional funds)
15. **Tailored policy and implementation toolkit for local jurisdictions** (incl., Redevelopment 2.0)
16. **Public and surplus land for affordable housing** (incl., enforcement of state surplus land laws)

CASA Compact Overview

3 P Laws and Standards



Funding for 3P's

1. Major regional funding
2. Public Land
3. Reinstating Redevelopment

Protect Tenants

1. Adopting Just Cause for Eviction
2. Adopting an Anti-Gouging Rent Cap
3. Providing Right to Legal Counsel

Housing Element

/ RHNA for 3 P's

1. Reforming RHNA/Housing Element Law
2. Adopting No Net Loss Requirements

Fair and Timely Process

1. Amend Permit Streamlining/Mitigation Fee Act/CEQA for timeliness and certainty (6-12 months)
2. Amend SB 35 to allow limited discretion, economic offsets

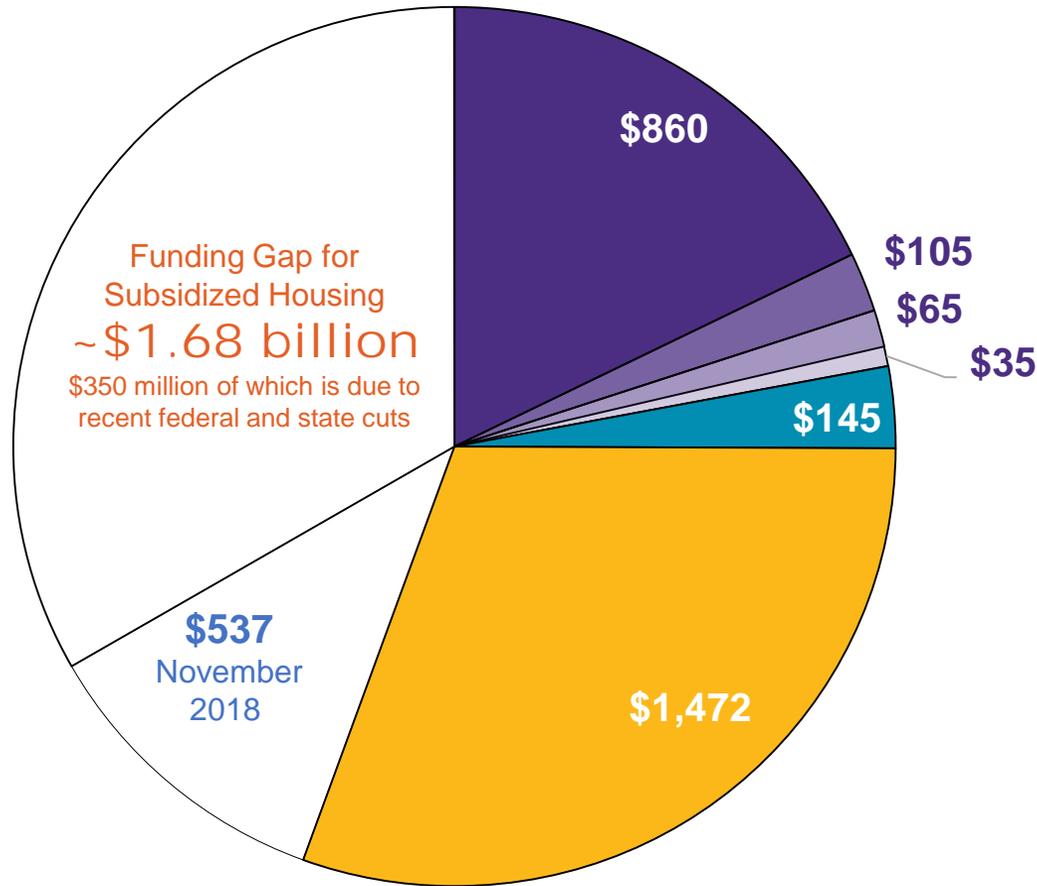
Inclusive regional standards

1. Align and Improve Density Bonus and Inclusionary Zoning Laws
2. Require Minimum Zoning Near Transit
3. Remove Barriers to ADUs
4. Cap Impact Fees
5. More Ownership-remove Liability/Insurance barriers

Annual Funding for Affordable Housing

\$ Millions, Bay Area

Based on RHNA 2015-2022; only for low- and very-low income subsidized housing; does not yet account for other CASA initiatives related to cost reduction, regional inclusionary, tenant services, middle-income housing, etc.



■ Federal LIHTC*

■ Federal Section-8 HCV

■ Federal Home Loan AHP

□ Other Federal

■ California (AHSC/SB2)

■ Local (incl. 2016 Ballot)

Source: Funding Affordable Housing Near Transit, May 2017, Great Communities Collaborative; MTC Analysis



<i>Fund Sources</i> <i>(Subsidized Housing for Low- and Very-Low Income HHs)</i>	<i>Annual Funding</i> <i>(\$ millions)</i>
Federal LIHTC	\$860*
Federal Section-8 HCV	\$105
Federal Home Loan AHP	\$65
Other Federal	\$35
California (AHSC/SB2)	\$145
Local (incl. 2016 bond measures)	\$1,472
Funding Gap	\$1,680
TOTAL for Bay Area	\$4,290

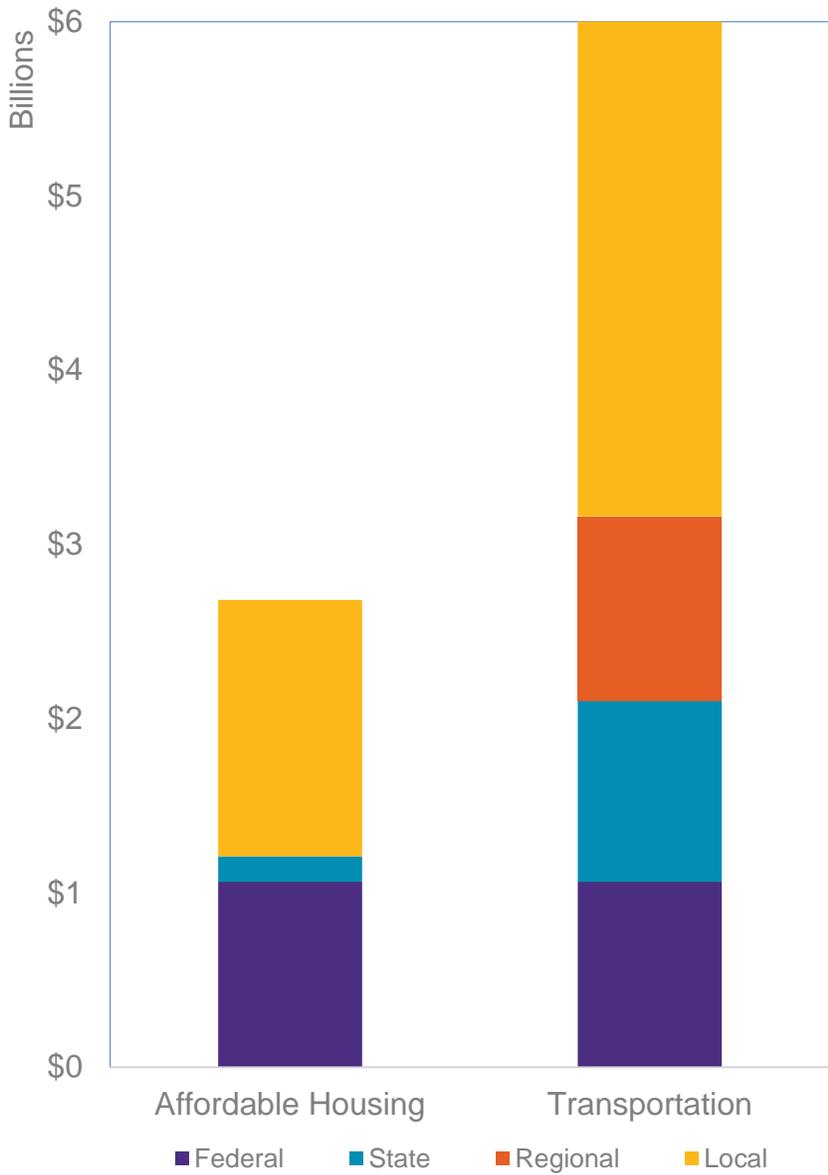
Source: Funding Affordable Housing Near Transit, May 2017, Great Communities Collaborative; Non-Profit Housing Association of Northern California



Source of Funding, Annual

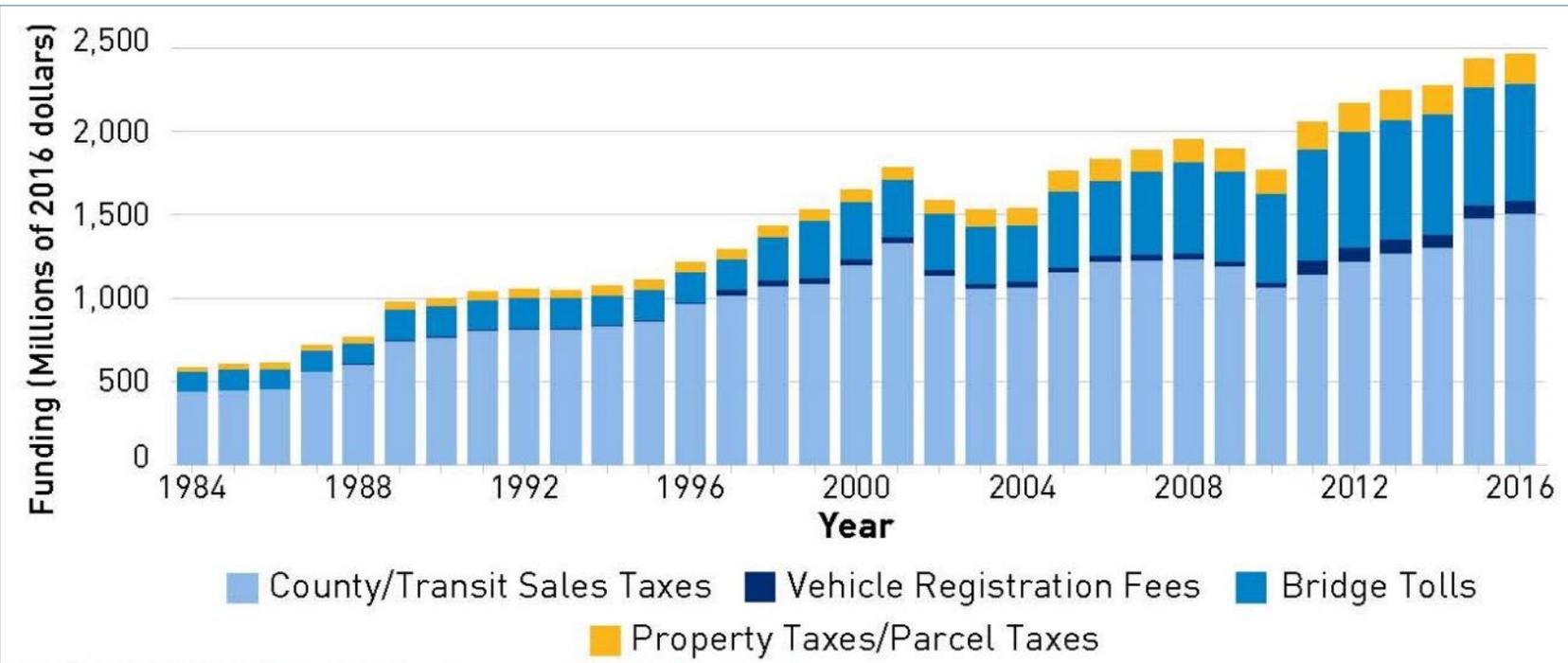
For Affordable Housing and Transportation

Source: Financial Assumptions Report, Plan Bay Area 2040; Funding Affordable Housing Near Transit, May 2017, Great Communities Collaborative



Self-Help Funding for Transportation, 1984-2016

Source: MTC



CASA Funding/Financing Compact

Potential New Sources of Revenue

Note: tax and fee rates are arbitrarily set to raise \$100 million annually for each proposal

Property Owners

\$100 million

3.35 percent

Inflation-Indexed Windfall Tax on home value appreciation at point of sale, region-wide

\$100 million

\$48 per year

Parcel Tax, region-wide

\$100 million

\$1.35 per \$1,000

Real Estate Transfer Tax, paid by the seller at point of sale, region-wide

\$100 million

1 percent

Vacant Homes Tax, region-wide

\$100 million

25 percent

Short-Term Rental Tax on peer-to-peer rentals, region-wide

Developers

\$100 million

\$2-4 per sq. ft.

For development **inside** TPAs

\$4-8 per sq. ft.

For development **outside** TPAs

Commercial Linkage Fee

on new construction; variable rates based on the number of new workers at the location, and jobs-housing ratio of host jurisdiction, region-wide

\$100 million

\$5 per sq. ft.

Flat Commercial Linkage Fee on new construction, region-wide

Key

Threshold For Approval

2/3 50+1

Voters



State Legislature



Employers

\$100 million

\$8-32 per job

For employers **inside** TPAs

\$16-64 per job

For employers **outside** TPAs

Annual Head Tax;

variable rates based on the number of employees, and jobs-housing ratio of host jurisdiction, region-wide (with no exemptions for middle-wage jobs)

\$100 million

\$30 per job

Flat Annual Head Tax, region-wide

\$100 million

1/12-cent

Gross Receipts Tax, variable rates based on sector and firm size, region-wide

\$100 million

1 cent per mile

Commuter VMT Fee, paid by the employer, region-wide

Local Governments

\$100 million

17.5 percent

Revenue Sharing Contribution from future property tax growth, region-wide, starting in 2020

\$100 million

27.5 percent

Redevelopment Revenue Set-Aside for affordable housing (for city/county portion of property tax revenue), **statewide**

\$100 million

20 acres

Public Land Set-Aside annually for affordable housing, region-wide

Taxpayers

\$100 million

1/16-cent

Sales Tax, region-wide

\$100 million

5-Yr. Term

General Obligation Bonds, issued by a regional housing entity created through state legislation, renewed every five years, region-wide

Philanthropy

CZI-TSFF Initiative

Policy and Infrastructure Fund

CASA Funding/Financing Compact

Potential Allocation of New Revenue



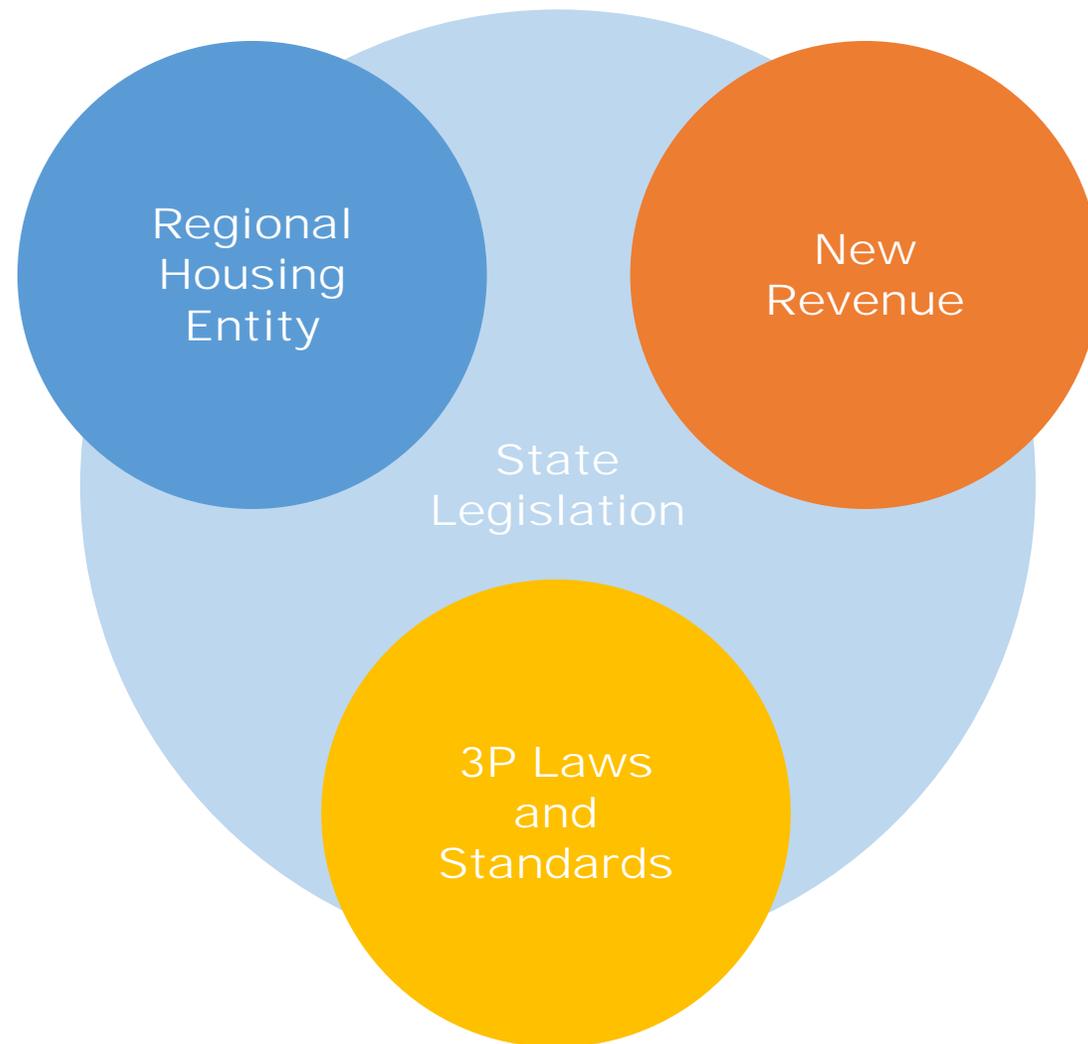
Local Jurisdiction Incentives 10 percent
Partial payments to local jurisdictions to make up for lost revenue due to proposed cap on impact fees.

Tenant Protection Services 10 percent
Short-term rental assistance and access to legal counsel for low- and moderate-income households.

Affordable Housing Preservation 20 percent
Grants and financing, including for seismic retrofitting and energy efficiency upgrades. Priority to projects in low-income neighborhoods facing displacement.

Affordable Housing Production 60 percent
Grants and financing. Priority to projects in TPAs and HOAs. Construction training programs. Land acquisition program.

Next Steps: Adoption of CASA Compact & Introduction of Legislation





Questions



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 36
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number:

Jane Riley, 565-7388

Supervisorial District(s):

All

Title: Zoning Code Changes to Expand Housing Opportunities

Recommended Actions:

Hold a public hearing, adopt the Negative Declaration, and adopt the ordinance making changes to Chapter 26 of the Sonoma County Code (Zoning) to expand opportunities for housing.

Executive Summary:

The Board of Supervisors previously directed Permit Sonoma to expand opportunities for housing through its [Housing for All Strategic Priority](#), the [Building HOMES Toolbox](#), the [General Plan Housing Element](#) and through its support of the [Strategic Sonoma Action Plan](#) and the [Draft Recovery and Resiliency Framework](#). Following the October 2017 wildfires, the County faces an acute housing shortage that requires new solutions and actions. In May, the Board adopted a number of permanent zoning code changes to remove constraints to the development of housing. Permit Sonoma is now bringing forward a second set of zoning code changes designed to expand opportunities for housing by simplifying regulations and introducing new housing types. The amendments would only apply within adopted urban service areas where sewer is available and would further the County's General Plan focus on city- and community-centered growth. None of the changes will apply in the Coastal Zone. Staff will undertake a third set of initiatives to identify and rezone sites for housing, in accordance with the adopted General Plan Housing Element. Identification of these sites will involve significant community outreach and extensive environmental review.

The proposed zoning code changes before the Board today would directly implement the direction provided via the policy documents referenced above, including the Recovery Framework. They would simplify development standards for multi-family developments, adopt a density unit equivalent model to encourage smaller housing units, establish a new type of missing middle housing (cottage housing developments), and establish a new Workforce Housing Combining Zone. The proposed code changes also increase protections for mobile home tenants and rental apartments at risk of conversion to condominiums. The Planning Commission reviewed the proposal and recommended that the Board adopt the proposed ordinance with some changes. A more detailed analysis of the policy options is provided in the Planning Commission staff report (Attachment A); a summary table of the Commission's recommendations is provided in Attachment B.

Discussion:

The availability of rental housing units in Sonoma County reached a critical shortage following the Sonoma Complex Fires. The rental vacancy rate stood at a low 1.5 percent before the fires—far below the five percent vacancy rate considered reflective of a healthy rental market. According to the California Housing Partnership¹, Sonoma County’s lower-income renters spend an average of 68 percent of their income on rent and utilities. By contrast, the standard for housing affordability established by the US Department of Housing and Urban Development provides that households should spend no more than 30 percent of annual income on rent. Many families are a single unexpected event away from homelessness.

The 2018 Beacon Economics study entitled “*Sonoma County Complex Fires: Housing and Fiscal Impact Report*” notes that the County’s local economy “has become severely constrained by little or no growth in the County labor force, partly because of the high cost of living.” The study concludes that failure to build adequate housing will impact the County’s ability to grow its economy and fully recover from the disaster.

The Economic Development Board’s Strategic Sonoma report that was accepted by the Board in July identifies housing as a priority strategic issue and recommends policy changes to allow different housing types, focus housing near transit, and streamline permitting processes. The report also finds that using creative solutions to build the housing needed to foster economic growth can make Sonoma County a leader on this issue that affects the entire state of California.

The [Draft Recovery and Resiliency Framework](#) was presented to the Board on September 25, 2018, and is in the 30 day public comment period. The County anticipates returning to the Board on December 11, 2018 for final approval. Post-fire resiliency efforts must center on creating the conditions that can attract private sector developers to build new housing development to serve a range of income levels, and to ensure that the County and its local government partners have the policies and practices in place that can expedite building. Proposed actions put forth in the Recovery Framework include identifying changes to land use regulations, processes and procedures to increase certainty, and to enhance opportunities for innovative and nontraditional housing types to encourage a wide range of housing development. The proposed code changes accomplish these actions.

Current Proposal. The proposed code amendments address the County’s housing objectives outlined above by updating land use regulations, enacting code amendments to enable development of workforce housing, authorizing new housing types, and focusing new housing development within urban service areas. Changes proposed as part of these code changes would:

- Simplify development standards for multi-family housing projects;
- Allow use of a new density unit equivalent standard to encourage development of smaller units;
- Enable higher density development within urban service areas near jobs and transit, as provided in the General Plan, by creating a new Workforce Housing Combining Zone;
- Establish a new housing type, Cottage Housing Developments, in urban service areas zoned for low- and medium-density residential uses (R1 and R2);
- Codify the existing policy regarding conversion of existing apartments to condominiums; and
- Provide better protections for mobile home owners and renters within mobile home parks.

¹ Sonoma County Renters in Crisis: A Call for Action (May 2017). Available at: <https://chpc.net/resources/sonoma-county-housing-need-2017/sonoma-county-2017/>

Table 1: Code Changes to Increase Opportunities for Housing

Description of Proposed Change	Proposed Changes to Sonoma County Code Chapter 26 (Zoning)
Simplify multi-family development standards and adopt density unit equivalent model	Articles 59 (Affordable Housing Combining District) and 24 (High Density Residential)
Adopt a WH (Workforce Housing) Combining Zone	Articles 02 (General) and 75 (Workforce Housing Combining District), which could be requested for application to parcels in commercial and industrial zones in urban service areas
Adopt provisions for Cottage Housing Developments	Article 88 (General Use Regulations) adding Section 230; and Articles 20 (Low Density Residential) and 22 (Medium Density Residential)
Adopt a Condominium Conversion Ordinance	Article 88 (General Use Regulations) at Section 193
Protect mobile home parks from closure or change of use	Article 92 (Cessation or Closure of Mobile Home Park)

On 30 August, the Planning Commission held a public hearing and voted 3-2 to recommend the Cottage Housing Developments proposal, and 4-0-1 to recommend the remainder of the proposed changes to the Zoning Code. The Commission’s discussions and recommendations are outlined below in this Board summary report. One of the minority opinions with cottage housing was related to increasing density in the R1 neighborhoods and the other wanted more opportunities. The Commission recommended certain changes to the original proposal, including measures to prevent over-concentration of cottage housing developments in the burn area, and minor modifications to the proposed Workforce Housing Combining Zone.

Environmental Review. An Initial Study prepared for this package of code amendments concluded that due to the criteria and standards incorporated within the proposed ordinance, the proposal will not have a significant effect on the environment. Accordingly, staff prepared a Negative Declaration (Attachment B) and posted and circulated it for public review and comment for the required 20 days prior to the Planning Commission hearing. The project description was further refined during the Planning Commission hearing, and staff subsequently revised the Negative Declaration to reflect this refinement and provide additional analysis. The changes to the Negative Declaration are not substantial revisions as defined by CEQA and do not result in new impacts, and therefore recirculation is not required.

Public Outreach. Public outreach for the proposed ordinance included email notice sent to interest groups, builders groups, housing advocacy groups, and members of the public who requested notification. A [Housing Initiatives webpage](#) was developed and a dedicated email address was provided to encourage input and feedback. Staff held a meeting on 27 June with local developers and held a public workshop on 11 July. Staff met with the Mark West Area Citizens Advisory Committee on 13 August, the Geyserville Planning Committee on 25 September, and the Sonoma Valley Citizens Advisory Commission on 26 September. Notice was published in the Press Democrat prior to the 30 August Planning Commission hearing, and the notice was emailed to more than 100 interested parties signed up for the GovDelivery email list. Similar published and email notice was provided prior to today’s hearing before the Board of Supervisors. The project was referred to the Airport Land Use Commission (ALUC), and an ALUC staff memo (Attachment C) concludes that these code changes will not affect airport safety or conflict with the Comprehensive Airport Land Use Plan (CALUP).

ISSUES DISCUSSED AT THE PLANNING COMMISSION

I. Multi-Family Development Standards and Density Unit Equivalents

The County currently has several different sets of development standards for different types of multi-family housing, which can be confusing and add undesirable complexity to the development process. The proposed code changes would modify the development standards in the High Density Residential (R3) zoning district, and would

also apply these development standards to all types of multi-family developments. The standards are proposed to be revised to be more objective, enabling more ministerial permit processes in the future. Changes include requiring the use of low-impact development guidelines for stormwater management to meet state requirements; adding design standards to address potential lighting impacts; and clarifying that vacation rental, timeshare, and other transient rentals are not allowed in multi-family developments.

The proposed changes would simplify processing of multifamily development projects and reduce risk for housing developers. Affordability requirements and availability of density bonuses would not be modified by the changes; the minimum affordability requirement for multi-family projects remains at 10 percent or 15 percent, depending on the level of affordability provided. Density bonuses of up to 100 percent in exchange for 40 percent affordability remain available. Permitting levels would also remain the same: multi-family housing development projects proposed on sites that are zoned for this use would not require a use permit, but would require design review with CEQA, unless otherwise exempt, and opportunity for public hearing.

Density Unit Equivalents. A new density unit equivalent concept is proposed to encourage more, smaller rental units—an important component of the County’s ability to meet its need for more affordable rental housing units. The Building HOMES Toolbox recommended encouraging smaller units, and the Beacon Economics study cited above indicated that approximately two-thirds of new housing should be rental units, a far greater share of the housing market than the County’s historical trend of about 75 percent ownership housing.

Density unit equivalents allow small units (micro-apartments and one- and two-bedroom units) to count as a fraction of a unit, and large units (four or more bedrooms) to count as more than one unit. The code currently allows a single unit to be any size, and because larger units generate more rent, the current model incentivizes development of only larger units. The use of density unit equivalents would allow more, smaller housing units in place of the typical larger housing units, but the projected total number of residents per acre would not change. Because providing more studio units within the same floor area as larger traditional apartments would be visually similar from the outside in terms of scale, height, and lot coverage, multi-family housing projects using density unit equivalents would still be in scale with the neighborhood or community. Adopting this change would encourage development of smaller units, and would tend to discourage large units. For example, three micro-apartments of less than 500 square feet each would be considered equivalent to one three-bedroom unit in terms of assigned density units, as shown in Table 2 (Proposed Density Unit Equivalent) below.

Table 2: Proposed Density Unit Equivalent

Dwelling Unit Size	Density Units
Micro-apartment or studio (<500 sf)	0.33 density unit
One bedroom (<750 sf)	0.50 density unit
Two bedrooms (<1,000 sf)	0.75 density unit
Three bedroom	1.00 density unit
Four or more bedrooms	1.50 density units

A density bonus, if provided, would be applied to the mapped General Plan base density. Developers would then be able to provide the number of density units in any combination. For example, consider a one-acre parcel with a base density of 10 units per acre. To meet the 10-unit count, a project could consist of 10 three-bedroom units, 15 one-bedroom units, or 30 micro-apartments. This proposed change would only apply in established urban service areas in the High Density Residential (R3), Medium Density Residential (R2) zoning districts, or the Affordable Housing (AH), or proposed Workforce Housing (WH) combining districts.

Applicability. The revised multi-family development standards, including the application of density unit equivalents, could theoretically apply to as many as 1,577 parcels with R2, R3, and/or AH zoning designations. Of

that number, 82 parcels are vacant and therefore most likely to be developed using these new standards. All affected parcels with those zoning designations are within urban service areas. The 82 vacant parcels are primarily in the Larkfield, Geyserville, Guerneville, and Sonoma Valley urban service areas (see *Figure 1* in Attachment E).

Planning Commission Discussion and Recommendation: No major issues arose at the Planning Commission's hearing and the Commission voted 5-0 to recommend the multifamily development standards as proposed, including the density unit equivalent model.

II. Workforce Housing Combining Zone

General Plan policies and recent economic studies identify housing for the County's workforce as a critical factor to sustain economic development as well as reduce greenhouse gas emissions and commute times. Adding a combining zone that allows for residential development to appropriate commercial and industrial sites, but does not reduce or limit the other allowed uses on the site, would expand opportunities for housing near jobs or transit.

The proposal would not rezone any sites to add the Workforce Housing (WH) Combining Zone at this time. Instead, the ordinance would add the combining zone to the code, allowing the Board, property owners, and developers to request that it be applied to individual properties. Each such request would require a rezoning application with CEQA review and public hearings before the Planning Commission and Board of Supervisors.

Applicability. There are 1,055 eligible parcels countywide that meet the basic criteria for eligibility for the WH Combining Zone: 1) located within an Urban Service Area; 2) zoned for light commercial or industrial uses; and 3) located within 3,000 feet (1/2 mile) of either qualifying transit or an employment node. However, parcels would not be eligible for rezoning if it would be inconsistent with the policies of an applicable underlying area or specific plan or the Comprehensive Airport Land Use Plan (CALUP). About 250 of the 1,055 parcels that meet the basic WH combining zone designation criteria are located in areas where the WH Combining Zone would be inconsistent with an applicable area or specific plan or the CALUP. These areas include the 8th Street East area around the Sonoma Skypark, where residential development at urban densities is prohibited by the CALUP; the area around the Sonoma County Airport, where housing is limited by the Airport Industrial Area Specific Plan (preparation of a new Airport Station Area Specific Plan is underway) and density is limited by the CALUP; and the area east of Santa Rosa Avenue and north of Todd Road, where development is restricted by the City of Santa Rosa's General Plan requirement that development not be intensified prior to the adoption of a Specific Plan for that area. Of the approximately 805 parcels outside those plan areas, 113 are vacant (as defined by the parcel's Assessor's Use Code). Of the 113 qualifying vacant parcels, the highest concentrations are in the Santa Rosa, Larkfield, Guerneville, and Sonoma Valley urban service areas (see *Figure 2* in Attachment E).

Planning Commission Discussion & Recommendation

Applicability: Staff recommended that the WH Combining Zone be allowed in commercial and light industrial zones (LC, C2, M1, MP, PF, and M3) within urban service areas. Commissioners expressed concern about the effect that locating housing on commercial- or industrial-zoned land would have on future industrial or commercial land uses where the housing project is located first. Staff added criteria to the ordinance to prohibit the WH combining zone from being applied not only near incompatible land uses, but also from being applied adjacent to land zoned for incompatible land uses (i.e., heavy commercial and industrial zoning). The Commission voted 5-0 to recommend adopting the WH Combining Zone as revised.

Proximity to Employment Node or Transit: The Commission voted 5-0 to recommend that the WH Combining Zone be available for properties within an Urban Service Area that are also within 3,000 feet of a transit center or

an employment node with at least three acres of commercial zoning or 10 acres of industrial zoning (or an equivalent ratio).

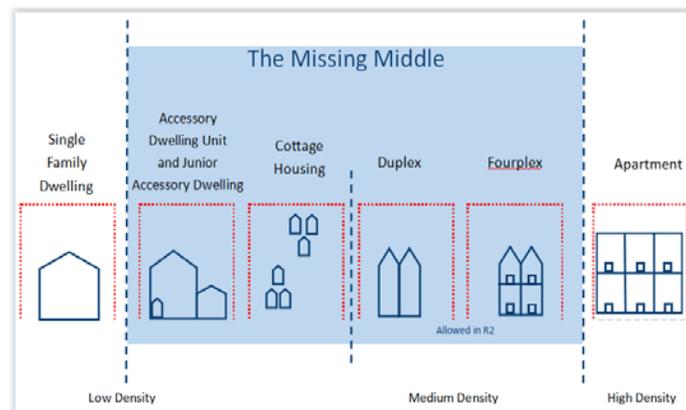
Size of Units: The Commission voted 5-0 to recommend that the multifamily (R3) development standards, including the density unit equivalent concept, apply to housing development in the WH Combining Zone. Commissioners expressed concern that adopting staff's recommendation to require 15 percent of workforce housing units be micro-units (under 500 square feet) would not provide developers enough flexibility, and did not recommend that requirement.

Allowable Density: The Commission voted 5-0 to recommend that the minimum density for the WH Combining Zone be set at 16 dwelling units per acre and the maximum density be set at 24 dwelling units per acre, allowing for the density bonus to increase possible density to up to 48 dwelling units per acre for a project with 40 percent affordable units.

III. Cottage Housing

Cottage housing can help to fill the need for a range of housing types often referred to as the missing middle (see *Figure 3*, below). These are housing types that offer small units in buildings of a similar bulk, mass, and scale as a single family-home. By remaining smaller than a typical single-family home, they tend to be more affordable to people whose incomes are too high for subsidized affordable housing units, but who are still priced out of the current rental housing market.

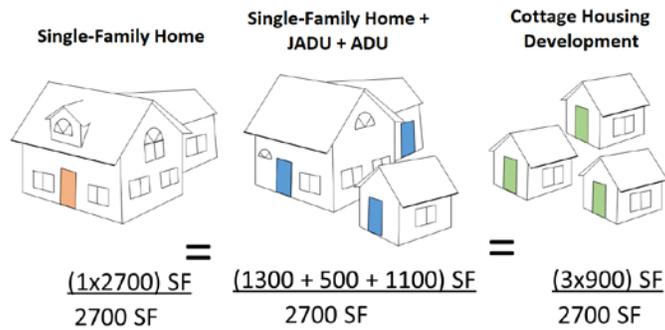
Figure 3: Illustration of the Missing Middle



Source: Permit Sonoma, 2017

Housing development over the latter half of the 20th century trended toward low-density, larger, single-family homes. But smaller clustered housing units have long been an efficient way to utilize lots zoned for low-density development to house similar numbers of people in smaller units. Some of these housing types are already allowed under the County's current regulations: code changes enacted last year now allow accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on the same lot as or within a single-family home, which results in three dwelling units permitted by right on a low-density residential lot (see *Figure 4*, below). Duplexes, triplexes, and fourplexes also fill this need and are permitted in the R2 Medium Density Residential zoning district.

Figure 4: Allowable Development Scenarios in Single-Family Zones



The code changes before the Board today propose to allow both attached and detached cottage housing developments. Attached cottage housing would allow conversion of an existing single-family home into a multi-unit building, maintaining the bulk, scale, and mass of the single-family home, but enabling multiple separate households to occupy it (see “internal conversion” in *Figure 5*, below). Detached cottage housing developments fit the pattern of the “cottage cluster,” shown in *Figure 5*, below.

These proposed code amendments would reintroduce the small-scale clustered or multi-unit housing styles of the early 20th century into the single-family neighborhoods (R1). Because they visually blend in with existing single-family neighborhoods, these types of housing can serve as much needed infill development in already established communities, especially in Sonoma County where urban land available for housing development is limited. Cottage housing would be allowed only in the low- and medium-density residential zones (R1 and R2) in urban service areas where sewer service is available and further the General Plan’s city- and community-centered growth policies.

Figure 5: Examples of Missing Middle Housing Types



Applicability. There are 4,581 parcels eligible for cottage housing development under the criteria set forth in the proposed ordinance: 1) within and Urban Service Area; 2) zoning of R1 Low Density Residential or R2 Medium Density Residential; and 3) at least 8,000 square feet of lot area. These parcels could accommodate attached (conversion of a single-family home) and detached cottage housing developments. Of the qualifying parcels, 734 are vacant and most likely to use the new provisions. The majority of the vacant parcels are in the Larkfield, Glen Ellen, and Guerneville areas (see *Figure 6* in Attachment E). Within the Larkfield and Glen Ellen areas, many of the

vacant parcels were made vacant as the result of the 2017 Sonoma Complex Fires; see Planning Commission discussion and recommendation, below.

Permitting Levels. Attached and detached cottage housing developments would be permitted as follows:

Table 3: Cottage Housing Development Permit Requirements

Housing Type	Design Review w/Possible Hearing	Use Permit with Hearing
Detached Cottage Housing Development	Required for all projects	Required for projects with 4 units or more
Attached Cottage Housing Development (conversion only)	Required for 4 units or more	Required for conversions with 4 units or more

Design Review with public notice and potential for hearing would be required for all cottage housing developments that are not a simple conversion of an existing home to up to three units. Any cottage housing development of four or more cottages or units would be subject to a use permit with notice and opportunity for hearing.

Planning Commission Discussion & Recommendation

Zoning Designation and Location: The Planning Commission expressed concern that the single family neighborhoods that have been lost to the fires could be rebuilt using the new provisions for cottage housing, resulting in large areas being developed with cottage housing rather than the traditional single-family neighborhoods that were lost. The Commission asked to add a policy option (Option 6, below) for the Board’s consideration, to establish a radius in the burn area within which there could be no more than one cottage housing development. The policy options for the Board’s consideration are as follows:

Option 1: Allow cottage housing developments in the Low Density Residential (R1) and Medium Density Residential (R2) zoning district, regardless of parcel size. This option would apply the proposed code changes to the greatest number of parcels.

Option 2: Allow cottage housing developments in the Medium Density Residential (R2) Zone, and allow within the Low Density Residential (R1) Zone but only outside of the burn areas. This option would add a provision to Chapter 40 (Sonoma Complex Fires Disaster Recovery) preventing the construction of cottage housing developments within the burn areas. The prohibition would automatically expire along with the rest of Chapter 40 on December 31, 2019, when Chapter 40 expires, unless extended by the Board.

Option 3: Prohibit detached and allow only attached cottage housing developments in R1, but in R2 allow both attached and detached cottage housing developments. This option would eliminate detached cottage housing development potential on all parcels with R1 zoning, reducing the impact these code changes could have on the County’s available sites, but would allow conversion of existing homes into attached cottage housing.

Option 4: Allow detached cottage housing developments in R1, but allow attached cottage housing developments within the R1 only when it involves conversion of an existing home (no new attached cottages could be built). Allow both attached and detached cottage housing developments in R2.

Option 5: Do not allow either attached or detached cottage housing developments and rely on existing provisions for accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and the type of missing middle housing already permitted in R2 to provide for this housing type. This option would maintain the current standard of allowing one lot zoned R1 or R2 to accommodate three dwelling units in

the form of single-family dwelling, an attached or detached ADU, and an attached JADU, as well as the duplexes, triplexes, fourplexes, and dwelling groups currently permitted in R2.

Option 6, added by the Commission for the Board's consideration: Adopt the provision for Cottage Housing Development within the R1 and R2 zone districts as proposed by staff, but establish a separation criteria to prevent over-concentration of cottage housing developments in the burn areas.

The Commission voted 3-2 to recommend **Option 6** above for the Board's consideration, in order to protect single-family neighborhoods within the burn areas from speculative purchase and development. Based on the Commission's direction that cottage housing developments should be limited to not more than one per block, staff calculated the average block length in the two areas within the fire perimeter and added that language to the draft ordinance with radii of 600 feet in the Larkfield area and 400 feet in Glen Ellen.

Cottage Size. Staff recommended limiting the size of detached cottages by limiting development on the overall parcel to a total floor area of not more than 35% of the parcel size. The Commission discussed the potential unintended consequences of this approach, which could give developers reason to limit the number of units to three or fewer (because developments with more than three units require a use permit), and by not limiting unit size (and using only the floor area ratio), the incentive would be to build units as large as possible to fetch rent as high as possible. The Commission voted 5-0 to recommend not adopting the 35% rule, but instead to limit the cumulative unit size for three detached cottages to 2,700 square feet (the average size of a single-family home in the R1 district), or an average of 900 square feet per cottage.

Appropriate Parcel Size and Density. The Commission voted 5-0 to recommend that the minimum parcel size be set at 8,000 square feet, and density be limited to one cottage per 2,500 square feet of lot area.

IV. Preserving Housing Stock and Rental Housing

Protections for Renters in Mobile Home Parks. The Planning Commission voted 5-0 to recommend code amendments to clarify existing language in the County's Zoning Ordinance (Sec. 26-92-090) regarding conversion or closure of mobile home parks. The proposed amendments would specify that the ordinance applies when a park owner converts the park from a rental park to an ownership park. One public speaker requested clarification on what staff meant by "renter" in the staff report, and clarification was given to the public and the Commissioners that the policy would apply to people who own a mobile home and rent space within a park, as well as to people who rent mobile homes within parks. Public speakers and the Commission requested that staff look into whether the state law would allow the expansion of these or similar protections to Special Occupancy (recreational vehicle) Parks.

Condominium Conversions. The Commission voted 5-0 to recommend adoption of a new condominium conversion ordinance to protect renters in an apartment complex when it is proposed to be converted to condominium and ownership use, as currently provided in the Housing Element of the County General Plan (Policy HE-1i).

Please see the attached Planning Commission staff report for additional information and discussion of policy options.

Prior Board Actions:

December 2, 2014 – The Board adopted the Housing Element of the County's General Plan.

August 25, 2015 – The Board adopted the Building HOMES Toolbox, a coordinated Countywide plan to end homelessness by 2025.

April 4, 2017 – The Board adopted the County Strategic Priorities for 2017, including Housing for All. This priority gave direction to multiple departments to increase the pace of housing development in the County.

May 8, 2018 – The Board approved zoning code changes reducing constraints to housing, including increasing the maximum size of accessory dwelling units to 1,200 square feet; increasing the allowable residential floor area in mixed-use projects from 50 percent to 80 percent; delaying collection of fees until near occupancy; allowing small single room occupancy (SRO) projects as a permitted use and removed the existing 30-room limit for larger SRO projects; and allowing transitional and supportive housing in all zoning districts that allow single-family dwellings.

July 10, 2018 – The Board accepted the Strategic Sonoma Action Plan, a five-year economic development strategy for Sonoma County.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

The provision of adequate, safe housing for all residents fulfills the Board’s housing priorities.

Fiscal Summary

Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			

Funding Sources

General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

Not applicable

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Not applicable

Attachments:

Draft Ordinance, with Exhibits:

- Exhibit A: Definitions
- Exhibit B: R1 Zoning District
- Exhibit C: R2 Zoning District
- Exhibit D: R3 Zoning District
- Exhibit E: Affordable Housing (AH) Combining District
- Exhibit F: Workforce Housing (WH) Combining District
- Exhibit G: Required Parking
- Exhibit H: Condominium Conversions
- Exhibit I: Cottage Housing Developments
- Exhibit J: Mobile Home Park Conversions

Planning Commission Resolution

- Attachment A: Planning Commission Staff Report dated 30 August
- Attachment B: Summary Table of Planning Commission Recommendations
- Attachment C: Negative Declaration (revised)
- Attachment D: Memo from Airport Land Use Commission (ALUC) staff
- Attachment E: Figures 1, 2 and 6 (maps)
- Attachment F: Draft Planning Commission Minutes from 30 August
- Attachment G: Public input received to date

Related Items "On File" with the Clerk of the Board:

none

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA,
AMENDING CHAPTER 26 (ZONING) OF THE SONOMA COUNTY CODE TO SIMPLIFY MULTIFAMILY
DEVELOPMENT STANDARDS, ADOPT DENSITY EQUIVALENTS, REGULATE THE CONVERSION OF
RENTAL HOUSING, ADOPT PROVISIONS FOR COTTAGE HOUSING DEVELOPMENTS, AND CREATE A
WORKFORCE HOUSING COMBINING ZONE

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. The Board finds and declares that the adoption of this Ordinance is necessary to enable expanded opportunities for additional housing types in appropriate areas and to support the housing first model adopted by the County. The Board finds that the following facts support the adoption of this ordinance:

1. The proposed amendments to the Zoning Code are consistent with the Sonoma County General Plan and further the goals, objectives, and policies of the General Plan Housing Element; and
2. Sonoma County has a critical shortage of available and affordable rental housing units. In the Building HOMES Toolbox, previously adopted by the Board of Supervisors, directed staff to bring forward legislation modifying zoning to encourage creation of more small rental housing units that are more affordable due to their small size; and
3. Sonoma County's current rental vacancy rate is less than 2%, further exacerbating the difficulty of providing safe and secure housing that is affordable for lower-income families and for people who are homeless.
4. Median rents in Sonoma County increased over 16% since 2000, while median renter household incomes decreased 6%. Sonoma County's lowest-income renters spend an average of 68% of their income on rent and utilities.

SECTION II. Chapter 26 of the Sonoma County Code (the Zoning Ordinance) is amended as follows:

1. Section 26-02-140 (Definitions) of the Sonoma County Code is amended to add the following definitions in their alphabetical orders, as set forth in the attached **Exhibit A**:
 - a. Cottage Housing Development
 - b. Employment Node
 - c. Micro Apartment
2. Sections 26-20-010 and 26-20-020 (R1 Low Density Residential) are rescinded and replaced to allow cottage housing developments, and to rename Type C housing projects, as set forth in the attached **Exhibit B**.
3. Article 22 (R2 Medium Density Residential) is rescinded and replaced to allow cottage housing developments, to rename Type A housing projects, to clarify that multi-family housing projects of more than 4 units are subject to the R3 development standards, and to clarify that parking requirements are set forth in Article 86 (Required Parking), as set forth in the attached **Exhibit C**.
4. Article 24 (R3 High Density Residential) is rescinded and replaced as set forth in the attached **Exhibit D**.
5. Article 59 (AH Affordable Housing Combining District) is rescinded and replaced to incorporate the multi-family development standards, as set forth in the attached **Exhibit E**.
6. A new Article 75 (Workforce Housing Combining District) is added within Chapter 26 of the Sonoma County Code to establish a Workforce Housing Combining Zone, and to provide development standards and regulations for housing projects constructed within such combining zone, to read as set forth in the attached **Exhibit F**.
7. Section 26-86-010 (Required Parking) is rescinded and replaced to add parking standards for cottage housing developments, as set forth in the attached **Exhibit G**.

8. A new section 26-88-193 (Condominium Conversion) is added within Chapter 26 of the Sonoma County Code, to codify existing General Plan policy by requiring right of first refusal, 30 percent (30%) affordability, and a 5 percent (5%) vacancy rate for condominium conversion projects, to read as set forth in the attached **Exhibit H**.
9. A new section 26-88-063 (Cottage Housing Developments) is added within Chapter 26 of the Sonoma County Code, to adopt development standards and regulations for cottage housing developments, to read as set forth in the attached **Exhibit I**.
10. Section 29-92-090 (Mobile Home Park Conversion, Closure, or Cessation of Use) is rescinded and replaced to protect renters in parks proposed for closure or conversion, as set forth in **Exhibit J**.

SECTION III. The Board of Supervisors hereby adopts the Negative Declaration. The Board of Supervisors certifies that the Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA State and County guidelines, and finds the Negative Declaration is adequate and appropriate.

SECTION IV: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION V: This Ordinance shall be and the same is hereby declared to be in full force and effect on and after 30 days following its passage, and shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted on the ____ day of ____, 2018, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin:	Rabbitt:	Zane	Hopkins:	Gore:
Ayes:	Noes:	Absent:	Abstain:	

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

 Chair, Board of Supervisors
 County of Sonoma

ATTEST:

 Clerk of the Board of Supervisors

26-02-140 – Definitions

The following definitions are added in their alphabetical order, to read as follows:

Cottage Housing Development. Small-scale, clustered housing units that are comparable in scale and intensity to single-family residential uses in the surrounding neighborhood. May be provided as attached cottage housing through the conversion of an existing single family dwelling, or as a detached cottage housing development consisting of small, detached units clustered around common open space and designed with a coherent concept.

Employment Node. An area of contiguous parcels within an urban service area that encompasses at least 3 acres of commercial-zoned land, 10 acres of industrial-zoned land, or a combination that provides an equivalent ratio.

Micro Apartment. A small, self-contained living unit that is part of a multifamily housing development and that contains not more than 500 square feet of living area.

Article 20. - R1 Low Density Residential District.

Sec. 26-20-005. - Purpose.

Purpose: to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The R1 district is intended for single-family homes in low density residential areas, as provided in Section 2.2.1 of the general plan, which are compatible with existing neighborhood character. It is also intended to implement the residential objective of adopted redevelopment plans where applicable.

Sec. 26-20-010. - Permitted uses.

Permitted uses include the following:

- (a) One (1) dwelling unit on permanent foundation per lot;
- (b) Home occupations subject to the requirements of [Section 26-88-121](#) and approval of a zoning permit;
- (c) Small residential community care facility;
- (d) Accessory buildings and uses incidental and appurtenant to any **existing** permitted use;
- ~~(e) One (1) accessory dwelling unit per lot, provided that all criteria of [Section 26-88-060](#) are met. Such criteria include, but are not limited to, setbacks and yard requirements;~~
- (f) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to [Section 26-92-040](#) has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to [Section 26-92-040](#);
- (g) The outdoor growing and harvesting of shrubs, plants, flowers, trees vines, fruits, vegetables, hay, grain and similar food and fiber crops;
- (h) Small family day care;
- (i) Large family day care provided that the applicant shall meet all performance standards listed in [Section 26-88-080](#);
- (j) Beekeeping;
- (k) ~~Housing Opportunity Type "C"~~ **Ownership** projects that satisfy all of the applicable requirements of Housing Element Policy HE-2q, including the design and development criteria set forth in Section (4)(d) of Policy HE-2q for Type "C" Housing Opportunity Areas. The design and development criteria set forth in Section 4 of Policy HE-2q for Type "C" Housing Opportunity Areas shall prevail over any conflicting criteria specified below in ~~Section 26-20-030~~. Compliance with Section 4 of Policy HE-2q for Type "C" Housing Opportunity Areas shall be determined by the body prescribed in Section 5 of that Policy. Nothing herein shall limit the ability of the decision-making body to either deny or to apply conditions to the approval of a Housing Opportunity Type "C" project **in compliance with Article 89 (Affordable Housing Program)**;
- ~~(l) Reserved. Cottage housing developments of up to 3 cottages, subject to the standards in 26-88-063 (Cottage Housing Developments).~~
- (m) Attached commercial telecommunication facilities subject to the applicable criteria set forth in [Section 26-88-130](#);

- (n) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in [Section 26-88-130](#), and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to [Section 26-92-040](#) has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;
- (o) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in [Section 26-88-130](#). Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to [Section 26-92-040](#) has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;
- (p) One (1) travel trailer per lot for use as temporary housing in accordance with [Section 26-88-010\(q\)](#) and provided that a travel trailer administrative permit is obtained and renewed annually;
- (q) One (1) ~~second~~ **accessory** dwelling unit per lot, pursuant to Sections [26-88-060](#) and [26C-325.1](#);
- (r) One (1) guest house per lot;
- (s) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.
- (t) The raising, feeding and maintaining of up to six (6) hens subject to the construction of a chicken coop and a secure enclosure which prevents animal trespass. The coop and pen shall be located in the rear yard of the property and maintained in a sanitary condition.
- (u) Transitional housing, subject to density limitations;
- (v) Permanent supportive housing, subject to density limitations;
- (w) Congregate housing serving no more than six (6) persons;
- (x) Vacation rentals subject to issuance of a zoning permit and conformance with the standards in [Section 26-88-120](#);
- (y) Hosted rentals, subject to issuance of a zoning permit and compliance with [Section 26-88-118](#) (Hosted Rentals and Bed and Breakfast Inns);
- (z) Cannabis cultivation for personal use in compliance with [Section 26-88-258](#).
- (aa) One (1) junior accessory dwelling unit per lot, pursuant to [Section 26-88-061](#).

Sec. 26-20-020. - Uses permitted with a use permit.

Uses permitted with a use permit include the following:

- (a) Planned developments and condominiums. Compatibility with adjacent development, unique characteristics, innovation, provision of amenities and the provision of universally designed housing and affordable housing are additional criteria which will be utilized in evaluating such development. Condominium conversion shall be subject to the requirements of the Housing Element;
- (b) Country clubs and golf courses but not including miniature golf courses;
- (c) Public and private nonprofit elementary schools, junior high schools and colleges;
- (d) Churches;

Exhibit B
R1 Low Density Residential Zoning District

- (e) Public playgrounds, parks, community centers, libraries, museums and similar uses and buildings;
- (f) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law;
- (g) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;
- (h) Large residential community care facility;
- (i) Day care center;
- (j) Housing Opportunity Area ~~Type "C"~~ **Ownership** projects based on alternative design and development criteria to those set forth in ~~Sections (4)(d) and (4)(e) of Housing Element Policy HE-2g for Type "C" Housing Opportunity Areas, or, as applicable, Section 26-20-030. A use permit for such project shall not be approved unless the project meets all other requirements of Policy HE-2g for Type "C" projects. The decision-making body shall be as specified in Policy HE-2q for Type "C" Housing Opportunity Areas. Nothing herein shall limit the ability of the decision-making body to either deny or to apply conditions to the approval of a Housing Opportunity Type "C" project~~ **as set forth in Article 89 (Affordable Housing Program)**;
- (k) Infill development **pursuant to Housing Element policies**; subject to the requirements of ~~Housing Element Policy HE-2b~~
- (l) Cottage housing developments of four or more units, subject to the remaining standards in 26-88-063;**
- ~~(m)~~ Intermediate freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in [Section 26-88-130](#);
- ~~(n)~~ Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in [Section 26-88-130](#);
- ~~(o)~~ Small-scale homeless shelters serving ten (10) persons or less, subject to design review;
- ~~(p)~~ Live/work uses in conjunction with an otherwise allowed residential use subject to the requirements of [Section 26-88-122](#);
- ~~(q)~~ Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;
- ~~(r)~~ Vacation rentals exceeding the standards in [Section 26-88-120](#).

Article 22. - R2 Medium Density Residential District.

Sec. 26-22-005. - Purpose.

Purpose: to preserve as many of the desirable characteristics of one-family residential districts as possible while permitting higher densities, and to implement the provisions for medium density residential development in Section 2.2.1 of the general plan. To implement the residential objectives of adopted redevelopment plans, where applicable.

(Ord. No. 4643, 1993.)

Sec. 26-22-010. - Permitted uses.

Permitted uses include the following:

- (a) Dwelling units on permanent foundations in accordance with the residential density shown in the general plan land use element or that density permitted by a B combining district, whichever is more restrictive;
- (b) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;
- (c) Small residential community care facility;
- (d) Accessory buildings and uses incidental and appurtenant to the primary use;
- ~~(e) One second dwelling unit per lot, provided that all criteria of Section 26-88-060 are met. Such criteria include, but are not limited to, setbacks and yard requirements;~~

(Ord. No. 3511.)

- (f) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;
- (g) Small family day care;
- (h) Large family day care provided that the applicant shall meet all performance standards listed in Section 26-96-080;
- (i) The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops;
- (j) Beekeeping;
- (k) Housing Opportunity **Rental Area** Type "A" projects **in compliance with Article 89 (Affordable Housing Program)**, that satisfy all of the applicable requirements of Housing Element Policy HE-2q, including the design and development criteria set forth in Section (4)(d) of Policy HE-2q for Type "A" Housing Opportunity Areas located in urban residential, six (6) to twelve (12) dwelling units per acre, areas depicted on the general plan land use maps. The design and development criteria set forth in Section 4 of Policy HE-2q for such Type "A" Housing Opportunity Areas shall prevail over any conflicting criteria specified below in Section 26-22-030. Compliance with Section 4 of Policy HE-2q for such Type "A" Housing Opportunity Areas shall be determined by the body prescribed in Section 5 of that policy. Nothing herein shall limit the ability of the decision making

~~body to either deny or to apply conditions to the approval of such a Housing Opportunity Type "A" project;~~

- (l) Reserved;
- (m) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;
- (n) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;
- (o) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;
- (p) One (1) accessory dwelling unit per lot, pursuant to Sections 26-88-060 and 26C-325.1;
- (q) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.
- (r) Transitional housing, subject to density limitations;
- (s) Permanent supportive housing, subject to density limitations;
- (t) On R2 parcels of at least eight thousand (8,000) ~~five hundred~~ square feet, congregate housing serving no more than to six (6) persons;
- (v) On R2 parcels of at least eight thousand (8,000) square feet, cottage housing developments subject to the standards in 26-88-063;**
- ~~(uw)~~ Cannabis cultivation for personal use in compliance with Section 26-88-258;
- ~~(vx)~~ One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.

(Ord. No. [6191](#), § V(Exh. D), 1-24-2017; Ord. No. [6189](#), § II(G), 12-20-2016; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5569 § 7, 2005; Ord. No. 5429 § 4(a), 2003; Ord. No. 4973 § 6(a), 1996; Ord. No. 4643, 1993.)

Sec. 26-22-020. - Uses permitted with a use permit.

Use permitted with a use permit include the following:

- (a) Planned developments and condominiums. Compatibility with adjacent development, unique characteristics, innovation, provision of amenities and the provision of housing which is affordable ~~pursuant to the requirements of Housing Element Sections 3.1 and 3.1.1~~ to very low and low income households are additional criteria which will be utilized in evaluating such development. Condominium conversion shall be subject to the requirements of ~~Housing Element Policy HE-3i~~ **Section 25-13-16**. The lot size, coverage and yard requirements of Section 26-22-030 shall ~~not~~ apply to planned developments or condominiums **unless otherwise noted in the development approval**;

- (b) Mobile home parks and recreational vehicle parks combined therewith, subject to the provisions of Article 88;
- (c) Noncommercial clubs and lodges, country clubs and golf courses, but not including miniature golf courses;
- (d) Public and private nonprofit elementary schools, junior high schools and colleges;
- (e) Churches;
- (f) Public playgrounds, parks, community centers, libraries, museums and similar uses and buildings;
- (g) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted) including, but not limited to, reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law;
- (h) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;
- (i) Large residential community care facility;
- (j) Day care center;
- (k) ~~Housing Opportunity Area~~ **Rental (Type "A") projects in compliance with applicable requirements in Article 89 (Affordable Housing Program)** ~~based on requiring~~ alternative design and development criteria **or standards** ~~to those set forth in Section (4)(d) and (4)(e) of Housing Element Policy HE-2g for Type "A" Housing Opportunity Areas located in urban residential, six (6) to twelve (12) dwelling units per acre, areas depicted on the general plan land use maps, or, as applicable, Section 26-112 below. A use permit for such project shall not be approved unless the project meets all other requirements of Policy HE-2g for such Type "A" projects. The decision-making body shall be as specified in Policy HE-2g for Type "A" Housing Opportunity Areas. Nothing herein shall limit the ability of the decision making body to either deny or to apply conditions to the approval of such a Housing Opportunity Type "A" project;~~
- (l) Closure, cessation of use or conversion of a mobile home park to an alternate land use provided that the criteria set forth in Section 26-92-090 are met;
- (m) Intermediate freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130;
- (n) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;
- (o) Small-scale homeless shelters serving ten (10) persons or less, subject to design review;
- (p) Live/work uses in conjunction with an otherwise allowed residential use subject to the requirements of Section 26-88-122;
- (q) Mobile home parks, subject to the provisions of Section 26-88-100 (Mobile home park standards);
- (r) Congregate housing serving more than six (6) persons, subject to design review;
- (s) Single room occupancy (SRO) facilities, subject to 26-88-125;
- (t) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.

(Ord. No. 5975, § I, 3-20-2012; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5569, §§ 7, 10, 2005; Ord. No. 5429, § 4(c), 2003; Ord. No. 4973, § 6(b), (c), 1996; Ord. No. 4643, 1993.)

Sec. 26-22-030. - Permitted residential density and development criteria.

The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.

Residential developments of two to four units shall be subject to the development standards set forth below, except that cottage housing developments shall be subject to the standards in 26-88-063 (Cottage Housing Developments). Multifamily developments of five or more units shall be subject to the high density residential (R3) development standards set forth in 26-24-030. Cottage housing developments shall be subject to the standards in 26-88-063 (Cottage Housing Developments).

- (a) Residential density shall be between six (6) and twelve (12) units per acre as shown in the general plan land use or housing element or that density permitted by a "B" combining district, whichever is more restrictive, provided however that a density bonus and further incentives may be granted ~~subject to compliance with all of the requirements of Section 26-88-121; and provided further that for a Housing Opportunity Area Type "A" project which meets all of the requirements of Sections 26-88-130 and 26-88-122, or where a use permit for such project is approved pursuant to Section 26-22-020(k), the permitted residential density may be increased one hundred percent (100%) above the mapped designation in the general plan to a maximum of twenty-four (24) dwelling units per acre~~ **in compliance with applicable provisions of Article 89 (Affordable Housing Program)**. All applications for a discretionary approval shall be designed to meet at a minimum, the density requirements shown in the general plan land use element or on the sectional district maps, whichever is more restrictive, provided however, that a lesser density may be approved if the body deciding the application determines that such a reduction in density is necessary to mitigate a particular significant effect on the environment and that no other specific mitigation measure or alternative would provide a comparable lessening of the significant impact. Nothing set forth in this section shall be construed to prohibit the construction of one (1) single-family dwelling on a single lot of record.
- (b) Maximum Building Height.
 - (1) Thirty-five feet (35') for main structures; provided, that where an R2 district abuts an R1 or RR district, for each four feet (4') of building height in excess of fifteen feet (15') the side yard setback shall be increased by one foot (1'). In all cases, where the side yard abuts a north, northwesterly or northeasterly property line and the proposed main building exceeds fifteen feet (15') in height the applicant shall submit at the time of application evidence to show that the proposed building shall not cast a shadow greater than ten percent (10%) of the solar collection absorption area on the adjacent lot at any one time between the hours of 9:00 a.m. to 3:00 p.m. on December 21st local standard time. (Ord. No. 3292).
 - (2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.
- (c) Minimum Lot Size. Six thousand (6,000) square feet.
- (d) Minimum Lot Width. The minimum average lot width required within each lot is sixty feet (60').
- (e) Maximum Lot Coverage. Fifty percent (50%).
- (f) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).
 - (1) Front Yard. Not less than twenty feet (20') provided, however, that no structure shall be located closer than forty-five feet (45') from the centurion of any public road, street or

highway. Front yard requirements may be reduced up to five feet (5') in order to obtain an average of twenty feet (20').

- (2) Side Yard. Not less than five feet (5') except where the side yard abuts a street in which case such yard shall be the same as a front yard. On lots where access is gained to an interior court by way of a side yard, or where an entrance to a building faces the sideline, the side yard shall be not less than ten feet (10').
- (3) Rear Yard. Not less than twenty feet (20').
- (4) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line.

(g) **Parking Requirements. All uses shall provide parking in accordance with the standards in Article 86 (Required Parking) unless a different standard is provided for that particular use.**

~~(1) Residential Use.~~

- ~~(i) Not less than one (1) covered parking space for each dwelling unit.~~
- ~~(ii) Not less than one-half (½) uncovered guest parking space for each dwelling unit in a garden apartment or dwelling group involving four (4) or more dwelling units.~~
- ~~(iii) Developments containing nine (9) or more dwelling units shall provide an additional one-half (½) uncovered guest parking space for each dwelling unit having two (2) or more bedrooms.~~
- ~~(iv) Second units are subject to the parking standards in Section 26-88-060.~~

~~(2) Any other use shall provide off-street parking in accordance with the standards established in Article 86.~~

(h) Where planned developments and condominiums are proposed, dwelling units may be attached; common walls will be permitted. The lot size, coverage and setback requirements of this section shall not apply to these planned developments and condominiums.

~~(i) Development standards for dwelling groups and/or multifamily structures involving four (4) or more dwelling units.~~

- ~~(1) All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any residential development shall be placed underground, except equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts. The subdivider is responsible for complying with the requirements of this section, and shall make the necessary arrangements with the utility companies involved for the installation of such facilities.~~
- ~~(2) Landscaping shall be provided and perpetually maintained in all required yards.~~
- ~~(3) Installation of improvements to assure adequate drainage shall be required.~~
- ~~(4) All refuse collection areas shall be enclosed on at least three (3) sides by a five-foot (5') high wall, such wall to be constructed of masonry or other material as specifically approved by the director of planning. Alternate methods of refuse storage and screening thereof may be approved by the planning director.~~
- ~~(5) To the extent possible all off-street parking areas shall be screened from view of surrounding residents by a fence not less than four feet (4') in height, or by landscape materials having a normal two (2) year growth of not less than four feet (4') in height.~~
- ~~(6) All points of vehicular access and vehicular circulation to and from off-street parking areas, and driveways onto public rights of way, shall be approved by the director of public works.~~

- ~~(7) All off-street parking areas shall be paved with asphalt or equivalent and shall conform to the off-street parking design standards of Article 86.~~
- ~~(8) Public utilities and easements therefor shall be provided as required by applicable public utilities and agencies.~~
- ~~(9) The placement of main buildings on any lot or parcel of land in the R2 (medium density residential) district shall conform to the following:

 - ~~(i) Parallel buildings front to front or arranged around an open court: thirty-five feet (35') for one (1) story buildings or forty feet (40') for two (2) story buildings. Driveways shall not be located within the building separation.~~
 - ~~(ii) Parallel buildings front to rear or front to side: twenty feet (20') for one (1) story buildings or twenty five feet (25') for two (2) story buildings.~~
 - ~~(iii) Parallel buildings rear to rear or rear to side: fifteen feet (15') for one (1) story buildings plus two and one-half feet (2 ½') for each additional story of each building in excess of one (1) story.~~
 - ~~(iv) Parallel buildings side to side: ten feet (10') for one (1) story buildings plus two and one-half feet (2 ½') for each additional story of each building in excess of one (1) story. No entries shall be permitted for such separation between building placed side to side.~~
 - ~~(v) For obliquely aligned buildings, the distances hereinbefore specified may be decreased by five feet (5') at one building corner if increased by an equal or greater distance at the other corner.~~~~
- ~~(10) The placement of garages and nondwelling accessory buildings on any lot or parcel of land in the R2 (medium density residential) district shall conform to the following:

 - ~~(i) On the rear third of an interior or corner lot, the side yard and rear yard shall be not less than three feet (3') in width. In the case of a corner lot, all buildings shall observe the required side yard on the street side.~~
 - ~~(ii) On any lot where the garage opens directly to a street, same shall be set back not less than twenty feet (20') from the property line.~~
 - ~~(iii) The distance between main buildings and nondwelling accessory buildings shall be not less than eight feet (8').~~~~
- ~~(11) In developments of more than eight (8) units, a landscaped, unified usable open recreational and leisure area totaling at least three hundred (300) square feet for each dwelling unit is required. The areas shall be conveniently located and readily accessible to each dwelling unit.~~
- ~~(12) The following areas shall not be considered as contributing to required recreational and leisure areas:

 - ~~(i) Any required front, side or rear yard;~~
 - ~~(ii) Any area used for parking or vehicular circulation;~~
 - ~~(iii) Areas reserved for private family use, such as patios.~~~~
- ~~(j) Design Review. Design review and site plan approval shall be required for all dwelling groups and apartment developments featuring four (4) or more dwelling units in the manner provided in Article 82 or as otherwise provided in this chapter.~~

(Ord. No. 5009 § 1(C), 1997; Ord. No. 4973 § 6(e), 1996; Ord. No. 4839 § 1(C), 1994; Ord. No. 4837 § 1(B), 1994; Ord. No. 4643, 1993.)

Article 24. - R3 High Density Residential District.

The following subsection shall be replaced to read as follows:

Sec. 26-24-030. - Permitted residential density and development criteria.

The following residential development density and development criteria and additional design standards are intended to apply to multifamily developments. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.

- (a) ~~(a)~~ **Residential Density.** Residential density shall be between twelve (12) and twenty (20) units per acre as shown in the general plan land use ~~map and or housing element or that density permitted by a "B" zoning database~~ combining district, whichever is more restrictive, provided however that a density bonus and further incentives may be granted ~~subject to~~ in compliance with all of the **applicable** requirements of [Article 89](#); and provided further that for a **Rental** Housing Opportunity Area ~~Type "A"~~ project which meets the requirements of, the permitted residential density may be increased one hundred percent (100%) above the mapped designation in the general plan to a maximum of thirty (30) dwelling units per acre. All applications for a discretionary approval shall be designed to meet, at a minimum, the density requirements shown in the general plan land use element or on the sectional district maps, whichever is more restrictive, provided however, that a lesser density may be approved if the body deciding the application determines that such a reduction in density is necessary to mitigate a particular significant effect on the environment and that no other specific mitigation measure or alternative would provide a comparable lessening of the significant impact. Nothing set forth in this section shall be construed to prohibit the construction of one (1) single-family dwelling on a single lot of record. **Residential densities shall be based on dwelling units per net acre (exclusive of right-of-way dedications) calculated in density units as follows.**

Residential Density Unit Equivalents

Dwelling Unit Size	Density Units
Micro Apt or Studio <500 sq. ft.	0.33 density unit
One-bedroom <750 sq. ft.	0.5 density unit
Two-bedroom <1,000 sq. ft.	0.75 density unit
Three-bedroom	1.00 density unit
Four or more bedrooms	1.5 density units

- (b) **Maximum Building Height.**
 - (1) Thirty-five feet (35') or two (2) stories, whichever is less, provided, that no detached accessory structure shall be permitted to exceed one (1) story;
 - (2) Three (3) -story construction ~~may be~~ is allowed, ~~subject to design review approval,~~ provided it does not exceed forty feet (40') in height, ~~for, for:~~ **(a) p(a) Housing Opportunity Area Type "A" projects that meet the inclusionary requirements on-site in compliance with Section 26-89-040; or, (b) ; and (b)-projects where the majority of resident parking is provided as tuck-under (podium-style) ground floor parking. The decision maker may approve an increase in height as an incentive for any density bonus project.**
 - (3) Notwithstanding subsections (b)(1) and (b)(2) of this section, where ~~an R3 district~~ **the project** abuts ~~on an R1 or RR district~~ **zone**, the height of any building within thirty feet (30') of the R1 or RR ~~district~~ **zone** shall not exceed ~~thirty~~ **thirty five** feet (~~30~~**35'**). If any

structure within the thirty-foot (30') distance is provided as ~~two (2)~~ **three (3)** stories, the second floor shall be set back at least five feet (5') more than the first floor, in order to reduce impacts related to bulk, height, mass, and loss of solar access on neighboring properties.

- (4) Maximum height for telecommunication facilities is subject to the provisions of this article and [Section 26-88-130](#).
- (c) Minimum Lot Size. Six thousand (6,000) square feet.
- (d) Minimum Lot Width. The minimum average lot width within each lot is eighty feet (80').
- (e) Lot Coverage.
 - (1) Not more than sixty percent (60%) of the total lot area shall be devoted to main and accessory buildings. The remaining lot area shall be devoted to landscaping, lawns, private yard spaces, play or recreational areas, and open parking and access areas.
 - (2) The decision maker may approve a ten percent (10%) increase in lot coverage where it is found that due to efficient land utilization, sufficient open areas and recreation areas are provided on site.
- (f) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or designated as agricultural land, the use is subject to the requirements of [Section 26-88-040](#) (f).
 - (1) Front Yard. Not less than fifteen feet (15') provided, however, that no structure shall be located closer than forty-five feet (45') to the centerline of any public or private road, street or highway. Setbacks may be reduced up to five feet (5') in order to attain an average of fifteen feet (15'). Unenclosed front porches may extend up to ten feet (10') into the required front yard setback provided that adequate sight distance is maintained from driveways, alleys or roads.
 - (2) Side Yard. Not less than five feet (5') except where the side yard abuts a public street, in which case such yard shall be ~~fifteen feet (15') to the edge of the right-of-way~~ **the same as the front yard**. On lots where access is gained to an interior court by way of a side yard, or where an entrance to a building faces the side line, said side yard shall be not less than ten feet (10').
 - (3) Rear Yard. Not less than ten feet (10').
 - (4) Garage Setback. No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line.
- (g) Parking Requirements. Parking shall be provided as set forth in ~~Section 26-86-010~~ **Article 86, (Required Parking)**.
- (h) Where planned developments and condominiums are proposed, dwelling units may be attached **and**; common walls ~~will be~~ **are** permitted. The lot size and setback requirements of this section shall not apply to planned developments and condominiums.
- (i) Additional **Design and** Development Standards.
 - (1) For ~~dwelling groups and/or multifamily structures~~ **projects** involving four (4) or more dwelling units, all utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any residential development shall be placed underground, except equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts. The developer is responsible for complying with the requirements of this section, and shall make the necessary arrangements with the utility companies involved for the installation of the facilities.

- (2) Landscaping shall be provided and perpetually maintained in all required yards **and open space areas** for the life of the project.
- (3) Adequate drainage **and stormwater management using low-impact development guidelines** shall be required.
- (4) All refuse collection areas shall be enclosed on at least three (3) sides by a five-foot (5') high wall, such wall to be constructed of masonry or other **solid** material ~~as specifically approved by design review~~. Alternate methods of refuse and recycling storage and screening thereof may be approved by the director.
- (5) To the extent possible, all off-street parking areas shall be screened from view of surrounding residents by a fence not less than four feet (4') in height, or by landscape materials having a normal growth of not less than four feet (4') in height. **Parking areas shall provide trees for shading at a ratio of one (1) tree per six (6) parking spaces.**
- (6) All points of vehicular access and vehicular circulation to and from off-street parking areas and driveways and onto public rights of way shall be approved by the director of transportation and public works.
- (7) Unless an alternative permeable treatment is approved by the director ~~of transportation and public works and design review~~, all off-street parking areas shall be paved with asphalt or its equivalent, and shall conform to the off-street parking design standards of [Article 86](#). Use of alternative permeable surfaces is strongly encouraged wherever feasible in order to maintain or enhance groundwater absorption and recharge.
- (8) Public utilities and easements therefore shall be provided as required by applicable public utilities and agencies.
- (9) Main buildings shall be placed such that privacy issues are minimized. Building-to-building window placement shall be staggered, or otherwise designed to provide adequate privacy between the units, ~~as determined by design review~~.
- (10) Open/Recreational Space Requirement. In developments of four (4) or more rental units on a single lot, a landscaped, usable open recreational and leisure area, totaling at least two hundred (200) square feet for each dwelling unit, shall be provided **on-site** except that for **affordable housing projects meeting the inclusionary housing requirements on-site, limited to seniors**, at least one hundred fifty (150) square feet of landscaped, usable open area shall be provided for each dwelling unit. Such areas shall be conveniently located and readily accessible to each dwelling unit, as determined by the decision maker. Private open space areas (i.e., patios and balconies) may be considered for up to fifty percent (50%) of the required open recreational and leisure area. The following areas shall not be considered as contributing to the recreational and leisure areas required above:
 - (i) Any required front or side yard;
 - (ii) Any paved (non-permeable) area used for parking or vehicular circulation;
 - (iii) Any area with a dimension of less than six feet (6').
- (11) **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. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated.**

(12) **A Water Conservation Plan including the best available conservation technologies or measures to reduce water demand to the maximum extent feasible including installation of recycled water plumbing, ultra low-flow fixtures, rainwater 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.**

~~(13) Prior to approval of a project or issuance of building or grading permits, a will-serve letter shall be provided from the local water supplier.~~

(134) No vacation rental, timeshares or transient occupancies are allowed.

(j) Design Review. Prior to issuance of a building permit, design review approval shall be required for all **residential projects** ~~dwelling groups, apartments, and similar residential developments~~ featuring four (4) or more dwelling units.

Article 59 - AH Affordable Housing Combining District

Sec. 26-59-005. - Purpose.

Purpose: to implement ~~Policy HE-3e~~ **Policies and Programs** of the Sonoma County Housing Element, by identifying ~~providing for the use of~~ under-utilized commercial, ~~or~~ industrial, or residential lands, within the County's Urban Service Areas, ~~which could be developed for housing affordable to low and very low income households to increase the supply of affordable~~ **rental housing affordable to county-lower-income residents. Vacation rental or transient occupancy uses are not allowed.**

(Ord. No. 5799 § 2, 2008.)

Sec. 26-59-010. - Permitted uses.

Permitted uses include **the permitted uses of the underlying base zone-district, as well as** the following:

- (a) Projects consisting entirely of dwelling units affordable to households with incomes in the **extremely low**, very low and low income categories on permanent foundations with residential densities between sixteen (16) and twenty-four (24) dwelling units per acre;
- (b) Home occupations;
- (c) Accessory buildings and uses appurtenant to the primary use; and
- (d) Small family day care.

(Ord. No. 5799 § 2, 2008.)

Sec. 26-59-020. – Residential density, building intensity and development criteria.

- (a) **Multi-family residential projects shall meet the design and development criteria in Section 26-24-030 (R3 – High Density Residential).**

~~(a) Maximum Building Height.~~

~~(1) Thirty-five feet (35') or three (3) stories, whichever is less, provided, that no accessory structure shall be permitted to exceed one (1) story.~~

~~(2) Three (3) story construction may be allowed, provided, a) it does not exceed forty feet (40') in height, and b), where the majority of resident parking is provided as tuck-under (podium-style) ground floor parking.~~

~~(b) Minimum Lot Size. One half acre.~~

~~(c) Minimum Lot Width. The minimum lot width is eighty feet (80').~~

~~(d) Lot Coverage. Not more than sixty percent (60 %) of the total lot area shall be devoted to main and accessory building areas, (i.e. structural lot coverage). The remaining lot area shall be devoted to parking, landscaping and open space areas. The design review committee may approve a ten percent (10%) increase in lot coverage where it is found that due to efficient land utilization, sufficient open space and recreational areas are provided on site.~~

~~(e) Yard Requirements.~~

~~(1) Front Yard. Not less than fifteen feet (15') provided, however, that no structure shall be located closer than forty five feet (45') to the centerline of any public or private road, street or highway. Setbacks may be reduced by five feet (5') in order to attain an average of fifteen feet~~

(15') Unenclosed front porches may extend up to 10 feet into the required front yard setback provided that adequate sight distance is maintained from driveways, alleys or roads.

(2) Side Yard. Not less than five feet (5') except where the side yard abuts a street in which case such yard shall be the same as a front yard. On lots where access is gained to an interior court by way of a side yard, or where an entrance to a building faces the side line, said side yard shall be not less than ten feet (10').

(3) Rear Yard. Not less than ten feet (10').

(4) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line.

(5) Where an AH combining district is adjacent to single story development, the height of any portion of the multi-story building shall be stepped to provide an appropriate transition from one story to the proposed multi-story structure. "Stepping" shall consist, at a minimum of the following increased yard setbacks: an additional five feet (5') to a second story, an additional ten feet (10') to a third story.

(f) Parking Requirements.

(1) Residential Uses.

(i) Not less than one (1) reserved parking space for each dwelling unit;

(ii) Not less than one-half (1/2) uncovered guest parking space for each dwelling unit.

(g) Site Layout.

(1) All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any residential development shall be placed underground, except equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts. The subdivider is responsible for complying with the requirements of this section, and shall make the necessary arrangements with the utility companies involved for the installation of the facilities.

(2) Landscaping shall be provided and perpetually maintained in all required yards.

(3) Adequate drainage shall be required.

(4) All refuse collection areas shall be enclosed on at least three (3) sides by a five foot (5') high wall, such wall to be constructed of masonry or other material as specifically approved by the director of planning. Alternate methods of refuse storage and screening thereof may be approved by the planning director.

(5) To the extent possible, all off-street parking areas shall be screened from view of surrounding residents by a fence not less than four feet (4') in height, or by landscape materials having a normal growth of not less than four feet (4') in height.

(6) All points of vehicular access and vehicular circulation to and from off-street parking areas and driveways and onto public rights of way shall be approved by the director of public works.

(7) Unless an alternative load-bearing permeable treatment is approved by the Director of Transportation and Public Works and Design Review, all off-street parking areas shall be paved with asphalt or its equivalent, and shall conform to the off-street parking design standards of

~~Article 86. Use of alternative permeable surfaces is strongly encouraged wherever feasible in order to maintain or enhance groundwater absorption and recharge.~~

~~(8) Public utilities and easements shall be provided as required by applicable public utilities and agencies.~~

~~(9) Main buildings shall be placed such that privacy issues are minimized. Building-to-building window placement shall be staggered, or otherwise designed to provide adequate privacy between the units, as determined by design review.~~

~~(10) A landscaped, unified and usable open recreational and leisure area totaling at least two hundred (200) square feet for each dwelling unit is required. Such areas shall be conveniently located and readily accessible to each dwelling unit. (11) Private open space areas (i.e. patios and balconies) may be considered for up to fifty percent (50%) of the required open recreational and leisure area. The required front yard, side yard, shall not be counted as contributing to this requirement. Areas used for vehicular parking or circulation may only be counted if they are developed as play courts and intended only for occasional parking or vehicular circulation~~

~~The following areas shall not be considered as contributing to required recreational and leisure areas required above:~~

- ~~(i) Any required front, or side yard;~~
- ~~(ii) Any area used for parking or vehicular circulation;~~
- ~~(iii) Any area with a dimension of less than six feet (6).~~

(b) Affordable Housing Agreement. All units shall be affordable to **low**, very low and/or **low extremely low** income households, and shall be subject to the terms of an affordable housing agreement pursuant to [Article 89](#).

(c) Design Review. Design review approval shall be required for all permitted uses in the manner provided in [Article 82](#).

~~(Ord. No. 5799, § 2, 2008.)~~

Article 75- WH Workforce Housing Combining District

Sec. 26-75-00. Purpose.

The purpose of the Workforce Housing (WH) Combining District is to implement policies and programs of the Sonoma County Housing Element by increasing the supply of housing for the local workforce in close proximity to job centers or major transit services.

Sec. 26-75-010. Applicability

The WH combining district may be applied to properties within designated urban service areas with the following base zones:

- (a) LC (Limited Commercial) District;
- (b) C2 (Retail Business and Service) District;
- (c) MP (Industrial Park) District;
- (d) M3 (Rural Industrial) District
- (e) M1 (Limited Industrial); and
- (f) PF (Public Facilities) District

Sec. 26-75-020 Designation Criteria

Parcels proposed for rezoning to add the Workforce Housing Combining District must meet all of the following criteria:

- (a) Parcel must be located within an Urban Service Area.
- (b) There is adequate sewer and water capacity to serve the projected residential development.
- (c) The proposed parcel would accommodate housing for on-site commercial or industrial uses; or the parcel is located within three thousand feet (3,000') from any one of the following:
 - 1. A passenger rail or transit station with headways of 60 minutes or less during peak hours;
 - 2. An employment node that encompasses an aggregate of:
 - i. 3 acres of commercial-zoned land;
 - ii. 10 acres of industrial-zoned land; or
 - iii. Any combination of (i) and (ii) that provides an equivalent ratio;
- (d) The proposed rezoning is consistent with the overall goals, objectives, policies and programs of the General Plan and any applicable Area or Specific Plans as amended from time to time;
- (e) The proposed rezoning is consistent with the allowable residential densities and other limitations of the Comprehensive Airport Land Use Plan (CALUP) as amended from time to time.
- (f) Parcel does not contain, or is not adjacent to, incompatible land uses that emit noxious levels of noise, odor, and other pollutants, nor located adjacent to lands zoned M2 (Heavy Industrial District) or C3 (General Commercial District).

Sec. 26-75-030 Permitted Uses

The following uses are permitted in addition to those allowed by the underlying base zone, in compliance with all applicable provisions of Article 89 (*Affordable Housing Program*) and subject to design review:

- (a) Multi-family housing projects providing at least ten percent (10%) of the total units affordable to very low- and extremely low-income households;
- (b) Multi-family housing projects providing at least fifteen percent (15%) of the total units affordable to low- and very low-income households;
- (c) Planned developments and condominiums providing at least twenty percent (20%) of the total units affordable to low- and moderate-income households;
- (d) Housing opportunity rental (Type A) projects providing at least forty percent (40%) of the total units affordable to very low- and low-income households;
- (e) Housing opportunity ownership (Type C) projects providing at least twenty percent (20%) of the total units affordable, with one-half of the total number of required affordable units shall be provided as affordable to low-income households; the remaining affordable units may be provided as affordable to households with moderate or low incomes;
- (f) Mixed-use projects in compliance with Section 26-88-123 (Mixed Use Developments) providing at least twenty percent (20%) of the total residential floor area affordable to lower-income households.

Sec. 26-75-040 Uses Permitted with a Use Permit

- (a) Multifamily, mixed-use, or ownership housing projects providing less than the minimum affordable units required of Section 26-75-030;
- (b) Multifamily, mixed-use, or ownership housing projects that do not meet all of the development criteria or design standards.

Sec. 26-75-050 Residential densities, building intensity and development criteria.

Workforce housing projects shall conform to the residential densities and development standards listed in Section 26-24-030 (R3 – High Density Residential), except as set forth below.

- 1) Workforce housing projects shall have a minimum residential density of sixteen (16) units per acre and a maximum residential density of twenty four (24) units per acre based on the calculation of density unit equivalents for High Density Residential provided in Section 26-24-030. Additional density may be granted in compliance with Article 89 (*Affordable Housing Program*).
- 2) Workforce housing projects shall provide a range of unit sizes a minimum of fifteen percent (15%) of the total units shall be provided as micro-units of less than five hundred (500) square feet.
- 3) Vacation rentals or other transient occupancies are prohibited in workforce housing.
- 4) As a condition of approval, workforce housing projects must notify prospective tenants of the potential for noise disturbance or future noise disturbance.

Sec. 26-86-010. - Required parking.

All uses permitted in [Chapter 26](#) of the Sonoma County Code shall provide on-site parking according to the following formulas.

Use	Parking Spaces
(a) Bicycle Parking	
All commercial, industrial and institutional uses permitted by this chapter	1 bicycle parking space per 5 spaces of required automobile parking
(b) Residential (except as otherwise specified by this chapter)	
One single-family dwelling	1 covered space
One duplex	2 covered spaces
One triplex	3 covered spaces
Hotels, motels	1 space/unit PLUS 1 space for manager
Single mobile homes	1 covered space/unit
Travel trailer parks	1 space/10 coach sites
Condominiums and planned unit developments	1 covered space/unit du PLUS plus 1 uncovered guest space/ unit du
Bed and breakfast inns	1 space/guest room PLUS 2 spaces for the resident family
Multi-family projects	1 covered parking space plus ½ uncovered guest parking space for each dwelling unit. An additional ½ parking space shall be provided for each dwelling unit having more than 2 bedrooms.
Micro-apartments	1 space per unit
Affordable housing projects provided pursuant to Section 26.89.050 (Density bonus programs)	1 space for each studio or 1-bedroom unit; 2 spaces for each 2- or more bedroom unit
Cottage Housing Developments	1 reserved space per unit, and 1 guest parking space for every 3 units or portion thereof.
SRO facilities	1 space for every 2 SRO rooms, plus 1 space for the management unit or office and 1 space for each employee, if any, on maximum shift.
Homeless shelters	1 space for every 6 beds, plus 1 space for the management unit or office and 1 space for each employee, if any, on maximum shift.
Home occupations	At least 1 parking space, in addition to that required by the residential use of the property.
Live/work units	At least 1 parking space, in addition to that required by the residential use of the property. An additional parking space shall be provided for each non-resident employee.
Work/live units	2 spaces/unit (need not be covered)
Senior mobile home parks	1 space per unit PLUS 1 guest parking space for every 3 mobile homes in accordance with Section 26-88-100 (Mobile home parks).
Family mobile home parks	2 spaces per unit PLUS 1 guest parking space for every 3 mobile homes in accordance with Section 26-88-100 (Mobile home parks).

Exhibit G
Required Parking

(c) Medical offices, clinics, hospitals and other facilities	
Dental and medical clinics	1 space/200 sq. ft. of floor area whichever is greater
Veterinary hospitals and offices	1 space/250 sq. ft. floor area
Major medical facilities; hospitals	1 space/250 sq. ft. floor area
Group care facilities and resocialization facilities	2 covered spaces
Medical cannabis dispensary	2 spaces, including at least 1 van-accessible space; plus 1 additional space for every 200 square feet of gross floor area, plus 1 additional space for each employee on maximum shift; but in no case less than 5 off-street parking spaces
(d) Schools, colleges, universities	
Kindergarten and nursery schools and day care centers	1 space/employee PLUS 1 space/10 children
Elementary and junior high schools	1 space/employee PLUS 1 space/8 students
Senior high schools	1 space/employee PLUS 1 space/6 students
Colleges, universities and institutions of higher learning; business and professional schools and colleges; music and dancing schools	1 space/employee PLUS 1 space/3 students
Large family daycare	At least 3 spaces which may include spaces provided to fulfill residential parking requirements and on-street parking so long as it directly abuts the site.
(e) Places of public assembly	
Auditoriums, community centers	1 space/4 seats or 1 space/75 sq. ft. floor area, whichever is greater
Libraries, museums, art galleries	1 space/300 sq. ft. floor area
Sports arenas, stadiums	1 space/4 seats
Dance halls	1 space/50 sq. ft. floor area
Theaters	1 space/4 seats
Private clubs and lodges	1 space/100 sq. ft. floor area
Churches, chapels	1 space/4 seats or 1 space/75 sq. ft. floor area, whichever is greater
Mortuaries, crematoriums and columbariums	1 space/4 seats in sanctuary
(f) Recreational facilities	
Gymnasiums	1 space/4 fixed seats
Skating rinks	1 space/100 sq. ft. floor area
Bowling alleys	5 spaces/alley
Golf courses	7 spaces/hole
Golf driving ranges	1 space/tee
Miniature golf courses	2 spaces/hole
Billiard and/or pool parlors	2 spaces/table
Swimming pools - public, private and commercial	1 space/100 sq. ft. pool area
Baseball parks	1 space/4 seats
Commercial stables and riding academies	1 space/3 horses
Auto race tracks, horse race tracks	1 space/4 seats

Exhibit G
Required Parking

(g) Commercial facilities, offices	
General retail, except as otherwise specified	1 space/200 sq. ft. floor area
Offices including all county offices, except as otherwise specified	1 space/250 sq. ft. floor area with a minimum of 4 spaces
Stores selling furniture and major appliances only	1 space per 500 sq. ft. area
Hotels, motels and similar lodging	1 space/unit plus 1 space for manager
Bed and breakfast inns	1 space/guest room PLUS 2 spaces for the resident family
Motor vehicle sales	1 space/500 sq. ft. floor area or 1 space/2000 sq. ft. of outdoor sales area, with a minimum of 4 spaces
Auto repair shops, body and fender shops	1 space/400 sq. ft. floor area
Self-serve laundries and dry cleaners	1 space/3 washing machines
Self-serve auto washes	2 spaces/stall
Barber shops, beauty and styling	3 spaces/barber or salons stylist, with a minimum of 4 spaces
Health studios	1 space/100 sq. ft. floor area
Contractor's storage yards	1 space/3000 sq. ft. lot area
Nurseries, retail	1 space/2000 sq. ft. site area PLUS 1 15' x 30' loading space/acre
Feed yards, fuel yards, material yards	1 space/2000 sq. ft. site area PLUS 1 15' x 30' loading space/acre
Banks	1 space/250 sq. ft. floor area PLUS 5 tandem land spaces/teller or teller station
Savings and loan and other financial institutions, title companies	1 space/250 sq. ft. floor area
Shopping centers	1 space/200 sq. ft. floor area
Cabinet, plumbing, heating, electrical shops	1 space/500 sq. ft. floor area
General business and professional offices	1 space/250 sq. ft. floor area, with a minimum of 4 spaces
Antique shops, second hand sales	1 space/200 sq. ft. floor area,
Restaurants	1 space/60 sq. ft. dining area
Outdoor markets, flea markets, etc.	1 space/200 sq. ft. sales area, with a minimum of 4 spaces
All uses permitted in the MP (Industrial Park) District	1 space/2000 sq. ft. gross building floor area for warehousing
	1 space/250 sq. ft. gross building floor area for office space for buildings having 15,000 square feet or less of office space
	1 space/275 sq. ft. gross building floor area of office space for buildings having more than 15,000 sq. ft. of office space
	1 space/500 sq. ft. of area devoted to manufacturing

Sec. 26-88-193 Condominium Conversion

- (a) **Applicability:** This Section is applicable to the subdivision of any multi-family property with 5 or more units.
- (b) **Findings for Map Approval:** In order to approve a Subdivision Map to allow the conversion of a multi-family rental property to condominiums, the following findings shall be made by the decision making body:
 - (1) The surplus of vacant multifamily residential units offered for rent or lease is in excess of five percent (5%) of the available multifamily rental stock as reported in the most recent General Plan Annual Implementation Progress Report.
 - (2) At least 30 percent (30%) of the units included in the proposed condominium conversion are reserved for sale to low and very low income households and subject to an Affordable Housing Agreement that ensures the units remain affordable to very low and low income households for at least thirty (30) years, or a longer period if otherwise required by state or local law.
 - (3) The subdivider has provided an adequate Relocation Assistance Plan to assist in relocating tenants displaced by the conversion to comparable rental housing. Tenants existing at the date of conversion shall be granted the right of first refusal concerning the purchase of the units. Tenants who are sixty (60) years or older shall be offered lifetime leases. Tenants not qualifying for lifetime leases shall be offered a ten (10) year lease.

Sec. 26-88-063 Cottage Housing Developments

- (a) Purpose. This section implements the provisions of the General Plan Housing Element that encourage new types of housing to meet a wide variety of housing needs, and encourage infill projects on underutilized urban land. Cottage housing developments are a type of infill development intended to provide small-scale, clustered housing units that are comparable in scale and intensity to single-family residential use, thereby minimizing the impact on adjacent low-density residential uses. This section allows up to three units as interior conversion of an existing single-family home (attached cottage housing developments), or detached cottage housing developments, generally small, detached units clustered around common open space, designed with a coherent concept.
- (b) Applicability. This section applies to cottage housing developments where allowed by the base or combining zone.
 - 1. Cottage housing developments are allowed in the R1 (Low Density Residential) and R2 (Medium Density Residential) Zoning Districts, as provided in Articles 22 and 24 of this Code. Cottage housing developments must meet the development criteria of the base zone with the following additional standards and exceptions.
 - 2. Cottage housing developments may not be located on any parcel already containing an accessory dwelling unit, junior accessory dwelling unit, or developed with a duplex, triplex, apartment, or condominium. A parcel containing a single-family residence may be developed as a cottage housing development only if the single-family residence is included in the total floor area allowance per subparagraph (g)(2)(ii) below.
 - 3. Until January 1, 2023, cottage housing developments shall be limited within the Sonoma Complex fire perimeter to:
 - i. One per a radius of 600 feet in Larkfield; and
 - ii. One per a radius of 400 feet in Glen Ellen.
- (c) Occupancy. Cottage housing units may not be rented on a transient basis (periods less than thirty days).
- (d) Siting Requirements.
 - 1. Urban Service Area. The proposed site must be located within an Urban Service Area and be served by public sewer.
 - 2. Minimum parcel size. The minimum parcel size shall be 8,000 square feet.
 - 3. Setbacks. Cottage housing developments shall meet the required front and side yard setbacks of the base zone. Rear yard setbacks shall be a minimum of ten (10) feet.
- (e) Parking. Cottage housing developments shall be subject to the parking provisions in Article 86.
- (f) Accessory structures that serve on-site users and are subordinate in use and scale to the cottages are allowed subject to lot coverage limitations of the base zoning district and design review.
- (g) Design and Development Standards. Cottage housing developments shall be subject to design review and site plan approval and meet the following additional standards and exceptions:
 - 1. Attached Cottage Housing Developments
 - i. Homes designed as single-family dwellings that were existing as of October 1, 2018 may be converted to attached rental cottages, subject to the standards of the base zone and this Section, and provided that there be no expansion of the total square footage. A use permit and administrative design review shall be required for conversion resulting in four or more units, or otherwise not meeting these standards.

2. Detached Cottage Housing Developments

- i. Density. On parcels that meet the minimum parcel size, the maximum density shall be one cottage square feet per every 2,500 square feet of lot area. When calculating the number of units allowed, fractional units shall be rounded down to the nearest whole number.
- ii. Size. The total building square footage shall not exceed 2,700 square feet, unless other sizes allowed by use permit.

(h) Site Layout.

1. Common Open Space. Common open space shall be one or more areas that are designed and maintained for recreation, gardening, and similar activities open to all residents. Common open space shall total at least 200 square feet per unit, of which up to 60 square feet may be private.
 - i. Cottages should generally be no more than 25 feet from the common open area, measured from the façade of the cottage to the nearest delineation of the common open area.
2. Orientation of Cottages. Dwelling units shall be clustered around common open space that is not separated with fencing. Each unit shall have a primary entry and covered porch, generally oriented towards the common open space. Front porches are encouraged.

Sec. 26-92-090. - Mobile home park conversion, closure or cessation of use.

In order to grant a use permit to allow the conversion of a mobile home park to an alternate land use, or the closure or cessation of use of the land as a **rental** mobile home park, the following findings shall be made by the board of zoning adjustments/planning commission:

- (a) Finding required by [Section 26-92-050\(a\)](#);
- (b) **The conversion of the rental mobile home park to an alternate land use is consistent with the County's General Plan, and either:**
 - (1) Adequate replacement ~~space~~ **rental housing** in other mobile home parks is available for displaced mobile home park tenants and any adverse impacts of the conversion, closure or cessation of use on the ability of displaced mobile home park tenants to find adequate ~~space~~ **rental housing** in a mobile home park have been mitigated, or
 - (2) There exists land which is presently zoned and approved for development which will allow replacement housing for displaced mobile home park tenants;
- (c) A relocation plan has been submitted which mitigates the adverse impacts of the displacement of low-and moderate-income individuals or households for a reasonable transition period and mitigates the adverse impacts of long-term displacement.
- (d) An adequate impact report has been prepared and filed pursuant to Government Code, Sections 65863.7 and 66427.4 and Civil Code Section 798 et seq.

This section shall not apply to a resident-initiated conversion to resident ownership that is approved under Government Code Section 66428.1

County of Sonoma
Santa Rosa, California

August 30, 2018
ORD18-0006 Jane Riley

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE AMENDING CHAPTER 26 (ZONING) OF THE SONOMA COUNTY CODE TO SIMPLIFY DEVELOPMENT STANDARDS, TO REGULATE THE CONVERSION OF RENTAL HOUSING, AND TO EXPAND OPPORTUNITIES FOR HOUSING BY ADOPTING PROVISIONS FOR AND COTTAGE HOUSING DEVELOPMENTS AND BY CREATING A WORKFORCE HOUSING COMBINING ZONE

WHEREAS, on December 2, 2014, the Board of Supervisors adopted the 2014 Housing Element, which sets forth policies and programs intended to remove constraints and to promote the development of additional affordable housing and special needs housing within the County of Sonoma; and

WHEREAS, the number of available rental housing units in Sonoma County has reached a critical shortage. The Sonoma Complex fires destroyed 5,130 housing units countywide, with 2,100 housing units lost in the unincorporated county alone.

WHEREAS, when it approved the Building HOMES Toolbox, the Board of Supervisors directed staff to bring forward proposed legislation to enable creation of more small, rental housing units that are affordable by design; and

WHEREAS, Sonoma County's rental vacancy rate is less than 2%, further exacerbating the difficulty of providing safe and secure housing that is affordable for lower-income families and for people who are homeless; and

WHEREAS, median rents have increased over 16% since 2000, while median renter household incomes have decreased 6%. Sonoma County's lowest-income renters spend an average of 68% of their income on rent and utilities; and

WHEREAS, adoption of the changes to the Zoning Ordinance are necessary to implement the General Plan Housing Element; and

WHEREAS, in accordance with the provisions of law, a duly noticed public hearing was held on August 30, 2018 by the Planning Commission at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Planning Commission makes the following findings:

1. Based upon an Initial Study prepared to analyze this proposed ordinance in accordance with CEQA, staff of the Permit and Resource Management Department determined that the proposed amendments will not have a significant effect on the environment and accordingly recommended that a Negative Declaration should be adopted.
2. A Notice of intent to adopt the Negative Declaration was duly posted for public review and comment on August 10, 2018 through September 10, 2018.
3. The Planning Commission has reviewed and considered the Initial Study and proposed Negative Declaration, together with the staff report and presentation, and all comments, materials and other evidence presented by members of the public prior to and during the public hearing held by the Commission on August 30, 2018;
4. The proposed amendments to the Zoning Code are consistent and compatible with the Sonoma County General Plan for the following reasons:

- a. The amendments encourage small rental housing units as set forth in Policy HE-1f by adopting density equivalents;
- b. The amendments remove uncertainty for affordable rental housing projects by simplifying development standards;
- c. The amendments encourage on-site provision of affordable housing by allowing certain multi-family projects that meet the county's affordable housing program requirements on site to be approved by right, subject to design review environmental review, if applicable; and
- d. The amendments encourage housing within urban service areas near jobs and transit through the adoption of a Workforce Housing Combining Zone.

BE IT FURTHER RESOLVED that, based upon the entire record of proceedings herein and the findings above, the Planning Commission hereby determines that the proposed ordinance will not have a significant effect upon the environment and recommends to the Board of Supervisors that the Board adopt the proposed amendments to the Zoning Code.

THE FOREGOING RESOLUTION was introduced by Commissioner Tamura in the first vote below, who moved to recommend approval of the housing package, except for the cottage housing, with minor modifications. Seconded by Commissioner Shahhosseini, and adopted on roll call by the following vote:

1st Vote:

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

THE FOREGOING RESOLUTION was introduced by Commissioner Tamura in the second vote below, who moved to approve cottage housing standards with minor modifications. Seconded by Commissioner Shahhosseini, and adopted on roll call by the following vote:

2nd Vote:

Commissioner Carr	No
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	No

Ayes: 3 Noes: 2 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.



Sonoma County Planning Commission

STAFF REPORT

FILE: ORD18-0006
DATE: August 30, 2018
TIME: 1:05 p.m.
STAFF: Jane Riley & Nina Bellucci, Project Planners

Board of Supervisors Hearing will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: County of Sonoma
Location: Countywide, excluding coastal zone
APNs: Various
Supervisorial District No.: All
Subject: Zoning Code Changes to Facilitate Housing Development
PROPOSAL: Amend Sonoma County Code Chapter 26 (Zoning) to expand opportunities for housing by adopting allowances for new housing types, simplifying development standards, and better preserving existing rental housing and mobile home parks.

Environmental Determination: Negative Declaration
General Plan: General Plan Housing Element
Ord. Reference: Multiple – see Table 1 on page four
Zoning: Multiple urban zoning designations; see Table 1
RECOMMENDATION: Adopt a resolution recommending that the Board of Supervisors adopt the Negative Declaration and proposed ordinance.

INTRODUCTION AND BACKGROUND

The number of available rental housing units in Sonoma County has reached a critical shortage following the Sonoma Complex Fires. The county as a whole lost 5,130 housing units, with 2,100 housing units lost in the unincorporated county alone. The rental vacancy rate stood at a low 1.5 percent before the



fires—far below the five percent vacancy rate considered a healthy rental market. According to the California Housing Partnership¹, Sonoma County’s lower-income renters spend an average of 68 percent of their income on rent and utilities. By contrast, the standard for housing affordability established by the US Department of Housing and Urban Development provides that households should spend no more than 30 percent of annual income on rent. This factor leaves very little money left for food, transportation, health expenses, and other needs. Many families are a single unexpected event away from homelessness.

Even before the October 2017 complex fires, the Board of Supervisors had made housing a priority and directed staff to bring forward legislation and implement administrative policies to increase the County’s affordable housing stock through the [Housing for All Strategic Priority](#), the [Building HOMES Toolbox](#), and the [General Plan Housing Element](#). However, since the fires, the County now faces an acute housing shortage that requires new solutions and actions. To that end, the Board of Supervisors adopted multiple urgency ordinances to provide for emergency and interim housing solutions, and on 07 May 2018, the Board approved the following zoning code changes intended to reduce constraints to developing housing. These changes:

1. Increased the maximum size of accessory dwelling units to 1,200 square feet;
2. Increased the allowable residential floor area in mixed-use projects from 50 percent to 80 percent;
3. Delayed collection of fees until near occupancy;
4. Allowed small single room occupancy (SRO) projects as a permitted use and removed the existing 30-room limit for larger SRO projects; and
5. Allowed transitional and supportive housing in all zoning districts that allow single-family dwellings.

As of December of 2017, the unincorporated County’s Regional Housing Need Allocation (RHNA) of 936 units for the eight-year period between 2015 and 2023 had largely been met, but lower-income housing still falls short. Unincorporated Sonoma County still needs to provide 32 units at the extremely low-income level, 48 units at the very low-income level, and four units at the moderate-income level by the end of this planning period. However, the RHNA is only a regulatory minimum. Many more housing units are needed to achieve parity.

CURRENT PROPOSAL

This set of proposed code amendments address a number of the County’s objectives, including updating land use regulations, enacting code amendments for workforce housing, authorizing a new housing type, and focusing new housing development within urban service areas. Changes proposed as part of this package will:

- Simplify development standards for multi-family housing projects;
- Encourage higher density development within Urban Service Areas near jobs and transit, as provided in the General Plan, through provision of a new Workforce Housing Combining Zone;
- Establish a new housing type, Cottage Housing Developments, in Urban Service Areas;

¹ Sonoma County Renters in Crisis: A Call for Action (May 2017). Available at: <https://chpc.net/resources/sonoma-county-housing-need-2017/sonoma-county-2017/>

- Allow use of a new density unit equivalent concept to encourage more, smaller rental units discourage larger units; and
- Codify existing condominium conversion policy and better protections for residents in rental mobile home parks.

ENVIRONMENTAL REVIEW

An Initial Study prepared for this package of code amendments concluded that the proposal will not have a significant effect on the environment. Accordingly, staff adoption of the proposed Negative Declaration.

PROCESS AND TIMELINE

The proposed housing code changes have been duly noticed, including an email notice sent to interest groups, builders groups, housing advocacy groups, and members of the public who requested notification. Staff held a meeting on 27 June 2018 with local developers to collect input on changes that were necessary to facilitate housing development. Staff also held a public workshop on 11 July, and collected input from attendees on each of the topical areas presented in this staff report. Newspaper notice was also been provided in the Press Democrat. At the conclusion of the Planning Commission's public hearing and deliberations, the Commission's recommendation will be forwarded to the Board of Supervisors for its consideration.

EXECUTIVE SUMMARY

Permit Sonoma is introducing several initiatives designed to provide more opportunities and better certainty to housing developers to reduce risk and increase investment. The proposed changes would only apply within adopted Urban Service Areas (see Figure 1, below) where sewer is available, and will further the County's General Plan focus on city- and community-centered growth. None of the changes will apply within the Coastal Zone.

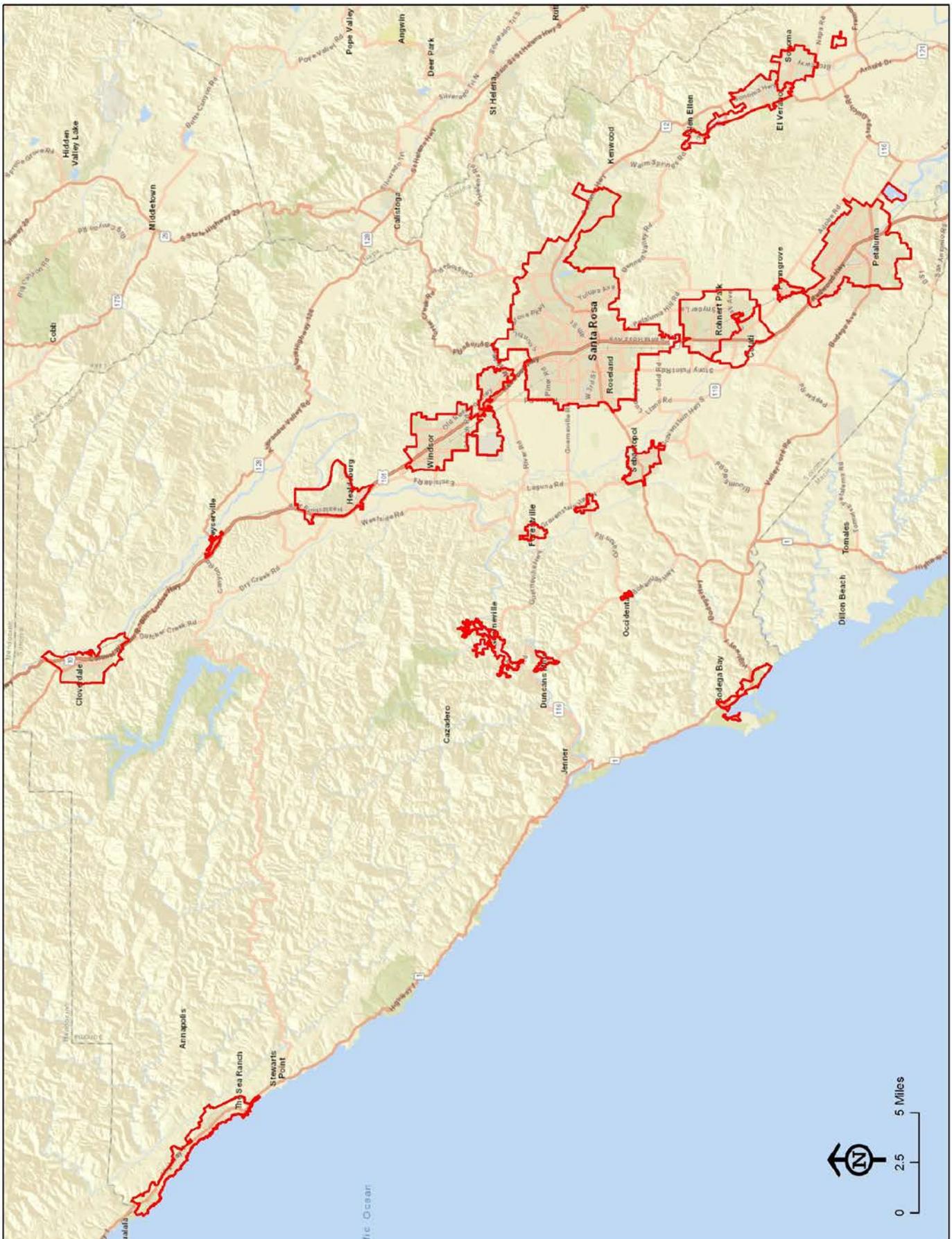
Prior code amendments, adopted 08 May 2018, made changes to reduce constraints to housing development including accessory dwelling units, mixed-use projects, single-room occupancy projects, and transitional and supportive housing projects. Staff will bring additional initiatives forward to rezone sites for housing. Additionally, Specific Plans that are currently underway, for the Airport SMART station area and the Sonoma Springs area, may increase allowable residential densities near employment and transit.

In order to meet the direction provided by the Board of Supervisors in its adoption of the Building HOMES Toolbox, and further implement the General Plan Housing Element and the Board's Housing for All strategic priority, these proposed code amendments will introduce new housing types and simplified regulatory mechanisms to expand opportunities for housing production. Although multi-family rental units provide the highest level of affordability and density, the County has limited urban land with sewer infrastructure and near transit. These changes allow new types of housing that can blend in with existing neighborhoods. The Workforce Housing Combining Zone is proposed to allow more efficient use of that limited supply of urban land for housing near jobs and transit. This staff report provides an overview of the proposed code changes.

Table 1: Proposed Housing Code Changes (Phase Two)

Description of Proposed Change	Basis for Change	Proposed Changes to Sonoma County Code Chapter 26 (Zoning)
Simplify Multi-family Development Standards and adopt density units	Building HOMES Toolbox; Housing for All Strategic Priority	Articles 59 (Affordable Housing Combining District) and 24 (High Density Residential)
Adopt a WH (Workforce Housing) Combining Zone	Building HOMES Toolbox; Housing for All Strategic Priority	Articles 02 (Definitions) and 75 (Workforce Housing Combining District), which could be requested for application to parcels in LC (limited commercial) and industrial zones in urban service areas
Adopt Provisions for Cottage Housing Developments	Building HOMES; Housing Element implementation	Article 88 (General Use Regulations) adding Section 230; and Articles 20 (Low Density Urban Residential) and 22 (Medium Density Urban Residential)
Adopt a Condominium Conversion Ordinance	Housing Element implementation	Article 88 (General Use Regulations) at Section 193
Protect Mobile Home Parks from Closure or Change of Use	Housing Element implementation	Article 92 (Cessation or Closure of Mobile Home Park)

Figure 1: Sonoma County Urban Service Areas (including cities)



ANALYSIS AND POLICY OPTIONS

SIMPLIFICATION OF MULTI-FAMILY DEVELOPMENT STANDARDS

The proposed code changes would simplify current multi-family development standards, where different standards can apply within the same zone district depending on the type of project. The proposed changes would use a single, simplified set of development standards for multi-family projects within any urban zoning district in which multi-family housing is allowed. The amendments involve changes to the Medium Density Residential (R2) zoning district (*Ordinance Exhibit C*), High Density Residential (R3) zoning district (*Ordinance Exhibit D*), and Affordable Housing (AH) Combining District (*Ordinance Exhibit E*), referring all multi-family development types to the R3 development standards.

The development standards for multifamily development projects have also been updated to require storm water management using low-impact development guidelines, and include additional design standards to address potential lighting impacts, include water conservation plans and water efficient landscaping, and to clarify that vacation rental, timeshare, and transient rental occupancies are not allowed.

DENSITY UNIT EQUIVALENTS

Staff is also introducing the density unit equivalent model with this set of code amendments. The General Plan density designation for urban multi-family land uses is calculated by the number of dwelling units allowed per acre. Without the use of density unit equivalents, this traditional density allowance is the same regardless of the size of the unit—i.e., a project is allowed the same number of units whether made up of studio apartments or four-bedroom apartments. This framework incentivizes larger units because they count toward density in the same manner as smaller units, but are more profitable.

Density unit equivalents allow small units (micro-apartments and one- and two-bedroom units) to count as a fraction of a unit, and large units (four or more bedrooms) to count as more than one unit. This would encourage the development of more, smaller units, and discourage large units. For example, the provision of three micro-apartments would be considered equal to the provision of one three-bedroom unit in terms of the assigned density units (see Table 2: Proposed Density Unit Equivalent, below).

Table 2: Proposed Density Unit Equivalent

Dwelling Unit Size	Density Units
Micro-apartment or studio (<500 sf)	0.33 density unit
One bedroom (<750 sf)	0.50 density unit
Two bedrooms (<1,000 sf)	0.75 density unit
Three bedroom	1.00 density unit
Four or more bedrooms	1.50 density units

A density bonus, if provided, would be applied to the mapped General Plan base density. Developers would then be able to provide the number of density units in any combination. For example, consider a one-acre parcel with a base density of 10 units per acre. To meet the 10-unit count, a project could consist of 10 three-bedroom units, 15 one-bedroom units, or 30 micro-apartments.

Density units for a development with mixed unit sizes would be calculated in the same way; see Table 3 below.

Table 3: Example Scenario Using Density Units

Unit Size	Density Unit Equivalent Ratio	Number of Units Provided	Number of Units Counting Toward General Plan Density
Micro-apartment or studio (< 500 sf)	0.33	6	2
One bedroom (<750 sf)	0.50	4	2
Two bedrooms (<1,000 sf)	0.75	0	0
Three bedroom	1.00	3	3
Four or more bedrooms	1.50	2	3
Totals	-	15	10

Density units allow more, smaller units in the same building mass and scale as a building containing a smaller number of large units (see Figure 2, below), and they more closely reflect the actual numbers of occupants of these types of units. The California Department of Fair Employment and Housing assumes two persons per bedroom plus one (two-plus-one) to be the assumed maximum standard for determining occupancy. Two-plus-one is also used by the County of Sonoma and the US Department of Housing and Urban Development to determine rent limits for affordable housing projects. However, assuming two-plus-one assumes occupancy much higher than reality. According to the American Community Survey, approximately 90 percent of rental housing units in Sonoma County are occupied by .71 person per room or less (where a room is all living spaces except bathrooms and hallway space; see discussion below).

Using the two-plus-one occupancy assumption, a one-bedroom unit could be occupied by three people. However, because actual occupancy rates indicate that the vast majority of units are occupied by one person or less per room, the unit is far more likely to be occupied by two people. Table 4 below illustrates the difference between assumed and actual occupancy of each size unit, and shows that the use of density units is likely to result in lower numbers of people in a development than a typical development with the same General Plan density, without using the density unit equivalent.

Figure 2 – Micro Apartment Size Comparison



Source: Urban Land Institute “Side-by-side units”

Table 4: Assumed Maximum Occupancy vs. Actual Occupancy

Unit Size	Number of Bedrooms	Assumed Maximum Occupants per Unit (two people per bedroom, plus one)	Average Number of Total Rooms* (Assessor's Office data)	Actual Average Occupancy (average of 0.71 persons per room per ACS)**
Micro-apartment or studio (< 500 sf)	0	1-2 people	1.00	1
One bedroom (<750 sf)	1	3 people	2.70	2
Two bedrooms (<1,000 sf)	2	5 people	4.10	3
Three bedroom	3	7 people	5.50	4
Four or more bedrooms	4	9 people	7.60	6
*“Total rooms” include bedrooms, living rooms, kitchen, office/den/spare rooms but exclude bathrooms and hallways.				
**Assumes 0.71 persons per room based on American Community Survey data for Sonoma County showing that 90% of housing units are occupied at this rate or lower. Actual occupancy averages are rounded up to the next whole person.				

Using density unit equivalents, smaller units would be encouraged, and more units could be provided in the same physical space and with generally the same number of residents and vehicles as would be found in a traditional apartment complex.

Policy Options

Option 1: Adopt the Density Unit Equivalent table shown in Table 2 above. Density unit calculations would be used for all multi-family developments, which are only allowed within designated Urban Service Areas. This option would encourage smaller units and allow a larger number of rental units within the same building scale and mass if small units are utilized.

Option 2: Adopt the Density Unit Equivalent concept for micro-apartments only. This option would apply a fractional unit density of 0.33 for each micro-apartment, and apply a density of one to all other unit sizes. This option would encourage smaller units but may not adequately offset the average occupancies of larger units, and may not create enough of an incentive without increasing the density unit equivalent of larger units.

Option 3: Do not adopt the Density Unit Equivalent table shown in Table 2 above. This option would keep the current density limits and would not encourage smaller units while providing flexibility in design.

Recommendation

Option 1: Adopt the Density Unit Equivalent because it would best reflect actual occupancies in rental units and would provide the most incentive to build smaller units without sacrificing neighborhood compatibility.

WORKFORCE HOUSING COMBINING ZONE

Housing for the County’s workforce has been identified in General Plan policies as a critical factor to sustain economic development as well as to reduce commute times and greenhouse gas emissions. It is vital to the economic success of Sonoma County to ensure that local teachers, health care workers, police officers, firefighters, hospitality workers, construction workers, and many other essential employment sectors have affordable housing near transit, shopping, and jobs.

In order to encourage housing near employment and transit, it is essential to identify more sites with densities that provide adequate housing for the County’s workforce. Designating some commercial and industrial sites with a combining or overlay zone that allows for residential development is a way to develop housing close to job or transit centers. A Workforce Housing (WH) Combining Zone is proposed to allow housing as a land use option in commercial and light industrial areas where urban services, jobs, and transit are available. The combining zone would be available for specific parcels by application; it would not be automatically available. Landowners could request a rezone to add this designation, increasing the options for development of their sites. It is important to note that these changes will apply in Urban Service Areas only, where sewer service is available, and will continue the County’s General Plan focus on city- and community-centered growth.

While the definition of workforce housing varies among jurisdictions, Government Code Section 62250 defines affordable workforce housing as housing that is affordable to households earning up to 120 percent of the Area Median Income (AMI). In Sonoma County, this translates to \$47,580 to \$90,650 for a three-person household, as shown in Table 5 below. In addition to filling the need for housing close to jobs to directly benefit the local workforce, this type of housing can fill an increasing need for homes for new workers in Sonoma County that are making median income but remain priced out of the local housing market.

Table 5: 2017 Sonoma County Income Limits

Persons in Household	Low Income (60% AMI)	Low Income (80% AMI)	Median Income (100% AMI)	Moderate Income (120% AMI)
1	37,020	49,350	58,750	70,500
2	42,300	56,400	67,100	80,550
3	47,580	63,450	75,500	90,650
4	52,860	70,500	83,900	100,700

Source: Sonoma County Community Development Commission, 2017

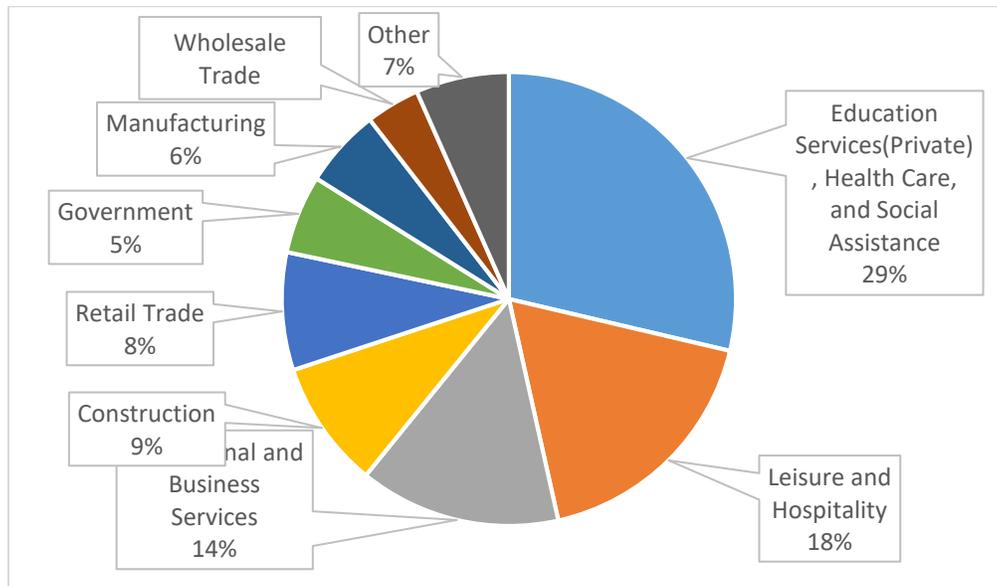
According to the State of California Employment Development Department as shown in Figure 3, below, nonfarm employment in Sonoma County is projected to grow by 28,600 jobs by 2024. The Employment Development Department expects 70 percent of the total job growth to be concentrated in the sectors described below.

- The educational services (private) and health care industry are projected to be the fastest growing industry (26.3 percent) and is expected to add the most jobs (8,200).
- Leisure and hospitality is projected to add 5,100 jobs, with the majority of the growth in the visitor accommodation industry and food services.

- Professional and business services is forecasted to add 4,100 jobs with a growth rate of 20.4 percent over the projection period.

With an expanding local workforce, it is essential that additional housing be placed near jobs and transit to accommodate and attract the additional employees that will be needed.

Figure 3: Projected Job Growth in Sonoma County by Industry Sector



Source: Permit Sonoma, 2017

Projects meeting affordable housing program requirements on-site would be subject to design review, while projects not meeting those requirements on-site would be subject to design review and a use permit to ensure neighborhood compatibility. The proposed Workforce Housing Combining Zone ordinance is included in *Exhibit F*.

APPLICABILITY – WHERE SHOULD WORKFORCE HOUSING BE ALLOWED?

Applying the WH Combining Zone in urban commercial and urban industrial areas could significantly help the housing crisis by creating additional housing opportunity sites near jobs and transit, but could also create conflicts with incompatible land uses. One of the factors to consider in developing a combining zone is the uses allowed in the underlying base zones with which the combining zone can be combined. The permitted uses in the underlying base zone should primarily include uses that would otherwise be compatible with higher-density residential development. Staff is not proposing to rezone any parcels at this time, but the combining zone could be applied in the future as a County-initiated project, as part of a Specific Plan, or on a case-by-case basis. The combining zone could not be applied if it is not consistent with any underlying specific or area plan.

Policy Options

Option 1: Allow the WH Combining Zone to be applied to commercial zones within urban service areas that provide primarily retail and service uses including Limited Commercial (LC), and Retail Business and Service District (C2). The Limited Commercial Zoning District includes many different retail and service uses located generally along major arterials. Retail Business and Services (C2) is comprised of commercial centers serving the broader community. This option would preserve heavy commercial and industrial-zoned land, allowing additional housing near commercial services but not near employment in industrial areas.

Option 2: Allow the WH Combining Zone to be applied to the heavy commercial zones (General Commercial C3), subject to the granting of a use permit. General commercial zoning allows wholesale and heavy commercial uses including car and truck sales, rentals and repair, gas stations, tire sales, warehousing, including mini-storage, cabinet shops, equipment rental, and storage yards. This option would provide housing near jobs for workers in those sectors, but housing adjacent to or on the same parcel as those may not be compatible in terms of noise, the presence of hazardous materials, dust, and walkability, as those uses tend to be on large parcels and automobile-serving, not neighborhood-serving, uses. In addition, the incompatibility of these uses would make it difficult to site future heavy commercial or industrial uses requiring environmental review near housing, because the effect of those new uses on existing housing would be difficult to mitigate.

Option 3: Allow the WH Combining Zone to be applied to properties in the Limited Industrial (M1), Industrial Park (MP) and Public Facilities (PF) zoning districts. The industrial zones allow primarily warehousing, light manufacturing/assembly, food processing, laboratories, offices, hotels and health clubs. The Public Facilities zone allows offices, equipment storage, fire stations, and other utility uses. In terms of noise, intensity, and scale/walkability, these uses are likely to be compatible with residential uses.

Option 4: Allow the WH Combining Zone to be applied to properties in the Limited Rural Industrial (M3) Zoning District. The M3 zone has nearly identical permitted uses to the M1 zone except that it typically provides industrial development outside of designated urban service areas; however, there are 53 parcels located inside urban service areas that are zoned M3. This option would provide housing opportunities for the 53 parcels located inside the Urban Service Area.

Recommendation

Options 1, 3, and 4: Allow the WH Combining Zone to be combined with commercial and light industrial zones within urban service areas, including Limited Commercial (LC), Retail Business and Service District (C2), Limited Industrial Districts (M1), Industrial Park District (MP), and Public Facilities (PF) zoning districts, and in the Limited Rural Industrial District (M3) when located inside of an urban service area. This option would allow the WH Combining Zone to be applied to the largest number of properties with compatible uses, which will provide the greatest opportunity to develop additional housing on appropriate sites near jobs and transit. Staff is not recommending Option 2 because surrounding heavy industrial uses may not be compatible with residential uses.

PROXIMITY TO EMPLOYMENT CENTER OR TRANSIT

Ideally, workforce housing would be located within walking distance to employment or transit centers. For transit-oriented developments, walking distance is generally considered to be 2,500 to 3,000 feet taking 8-10 minutes. For the purposes of applying the WH Combining Zone, an employment node must be within an urban service area, within a walkable distance (2,500 to 3,000 feet) of the workforce housing units, and include land with sufficient employment densities for the workforce. Transit centers can be a rail station or a bus stop with 60-minute headways during peak hours. The policy options included below are consistent with the assumed employment densities of 22 jobs per acre in limited industrial zones and 71 jobs per acre in retail and office zones that were included in the report that informed the adoption of the workforce housing fee.

Policy Options

Option 1: Require a maximum distance from employment center or transit of 3,000 feet. This option would set a maximum distance that is still close enough to walk, bike, or take transit to work.

Option 2: Define employment nodes as a minimum area of three acres of contiguous commercially zoned land or 10 acres of contiguous industrial-zoned land or combination thereof providing an equivalent ratio. This option would provide flexibility in location while ensuring that housing is near employment centers.

Option 3: Require that the employment node be on the same parcel as the workforce housing or adjacent to workforce housing. This option would ensure that housing is near a source of employment but may not encourage enough units. This option would strictly limit the number of housing sites that could be considered for the combining zone.

Recommendation

Options 1 and 2: Apply the WH Combining Zone to properties within an Urban Service Area that are also within 3,000 feet of a transit center or an employment node with at least three acres of commercial zoning or 10 acres of industrial zoning (or equivalent ratio). This option would provide a large degree of flexibility in applying this combining zone to the largest number of potential sites while still providing proximity to allow employees to walk, bike, or take transit to work.

SIZE OF WORKFORCE HOUSING UNITS

Workforce housing should provide a range of unit sizes to meet the needs of a diverse workforce. Single-person households as well as households with families should be able to take advantage of the ideal location that workforce housing can provide. Members of the workforce with incomes too high to qualify for affordable units and who may be priced out of a tight housing market should be able to benefit from workforce housing. Smaller unit sizes will provide lower relative rents. Requiring some micro-apartments in the WH Combining Zone will provide access to housing for small households near employment or transit centers and can provide more units in the same building space. A range of smaller unit sizes can also be incentivized by applying a fractional density unit to the smaller units as proposed for the R3 (High Density Residential) zoning district, indicated in Table 2 above, Proposed Density Unit Equivalents. Regardless of the mix of unit sizes, all workforce housing projects would be subject to the affordable housing program requirement to set aside 15 percent of units as affordable.

Policy Options

Option 1: Incentivize smaller units by calculating the permitted residential density based on the proposed density unit table for the R3 (High Density Residential) zoning district.

Option 2: Require that 15 percent of total units are small micro-apartments (less than 500 square feet). This would provide a wide range of household sizes to meet the needs of a diverse workforce.

Option 3: Set a maximum unit size at to ensure smaller units and efficient utilization of land and building mass.

Option 4: Do not limit unit sizes. This option would provide maximum flexibility and incentives for developers, but may not yield units small enough to be affordable-by-design to the majority of the County's workforce.

Recommendation

Options 1 and 2: Incentivize smaller units with density units, and require 15 percent to be small micro-apartments. This option would provide a wide range of unit sizes to meet the needs of a diverse workforce.

ALLOWABLE DENSITY FOR WORKFORCE HOUSING PROJECTS

Maximum residential densities or density ranges are established in the General Plan Land Use Element. Both minimum and maximum residential densities are required by state law in zoning to ensure that the available supply of urban land is fully utilized. Minimum residential densities are currently set at the mapped density of the zoning district. In order to encourage the production of workforce housing, it is essential that the allowable density encourage efficient use of urban land at densities that will support transit-oriented development and walkable communities.

Increasing housing density is consistent with the Building HOMES Toolbox and the Board's Housing for All Strategic Priority. Locating that housing near jobs and transit is consistent with the city- and community-centered growth principles set forth in the County's General Plan. The amount of available urban land in the County is limited, so the proposed WH Combining District would need to establish densities that will encourage the most housing production on the most appropriate sites.

Policy Options

Option 1: Set the minimum base density at 16 units per acre and maximum at 24 units per acre, allowing up to 32 units per acre with a state density bonus (up to 35 percent) and 48 units per acre with a Housing Opportunity (100%) density bonus. This option would be consistent with the densities allowed by the AH (Affordable Housing) Combining Zone. This option would encourage higher-density workforce housing development, but it could prove difficult to develop an ownership project with this density.

Option 2: Set the minimum density workforce housing projects at 12 dwelling units per acre and the maximum at 20 dwelling units per acre, allowing up to 27 units per acre with a state density bonus and up to 40 units per acre with a Housing Opportunity (100%) density bonus. This option would be consistent with the densities allowed by the R3 (High Density Residential) zoning district. Workforce housing developments in this density range would generally be two to four stories.

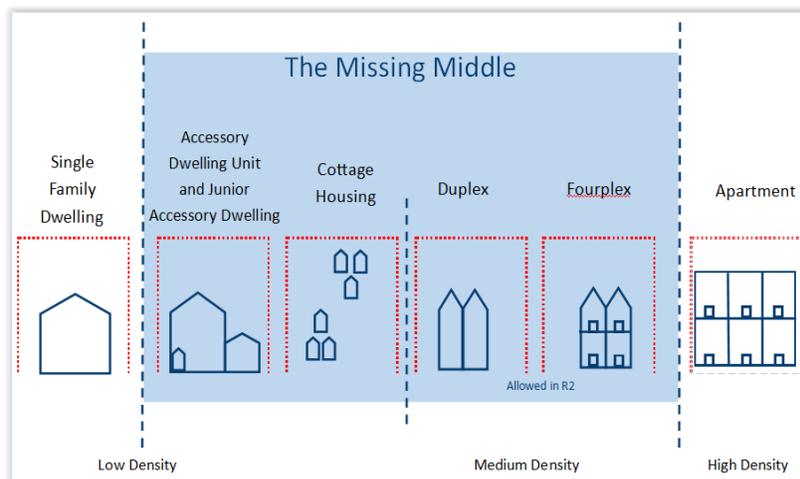
Recommendation

Option 1: Set the minimum density for workforce housing at 16 dwelling units per acre and the maximum density at 24 dwelling units per acre, allowing for the density bonus or Housing Opportunity programs to increase the density up to 48 dwelling units per acre. This option would encourage the development of high-density workforce housing near job and transit centers, encourage affordable units, and maximize the use of urban lands.

PROVISIONS FOR COTTAGE HOUSING DEVELOPMENTS

Cottage housing developments can help to fill the need for a range of housing types often referred to as the missing middle. These are housing types that offer smaller units in buildings of a similar bulk, mass, and scale as a single family-home. By remaining smaller than a typical single-family home, they tend to be more affordable to people whose incomes are too high for subsidized affordable housing units, but who are still priced out of the current rental housing market.

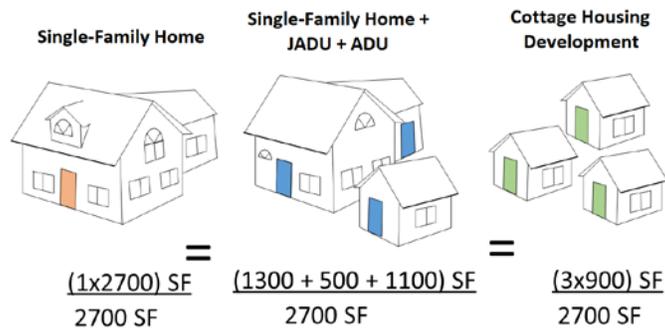
Figure 3: Illustration of Missing Middle Housing Types



Source: Permit Sonoma, 2017

Housing development over the latter half of the 20th century trended toward low-density, larger, single-family homes. But smaller clustered housing units have long been an efficient way to utilize lots zoned for low-density development to house similar numbers of people in smaller units. Some of these housing types are already allowed under the County's current regulations: Code changes enacted last year now allow accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on the same lot as or within a single-family home, which results in three dwelling units permitted on a low-density residential lot (Figure 4). Duplexes, triplexes, and fourplexes also fill this need and are permitted in the R2 Medium Density Residential zoning district.

Figure 4: Cottage Housing Developments



These code changes propose to allow attached and detached cottage housing developments. Attached cottage housing would allow conversion of an existing single-family home into a multi-unit building, maintaining the bulk, scale, and mass of a single-family home, but allowing multiple households to occupy it (see “internal conversion” in Figure 5, below). Detached cottage housing developments fit the pattern of the “cottage cluster,” shown in Figure 5 below.

Figure 5: Examples of Missing Middle Housing Types



These proposed code amendments to allow cottage housing developments would reintroduce the small-scale clustered or multi-unit housing styles of the early 20th century. Because they blend in with existing single-family neighborhoods, these types of housing units can serve as much needed infill development in already established communities, in a county where available urban land for housing development is limited. Cottage housing developments would be allowed only in Urban Service Areas where sewer service is available and will further the city- and community-centered growth policies set forth in the County’s General Plan.

Attached and detached cottage housing developments would be permitted as follows:

Table 6: Cottage Housing Development Permit Requirements

Housing Type	Design Review with Hearing	Use Permit with Hearing
Detached Cottage Housing Development	Required for all projects	Required for developments with 4 units or more
Attached Cottage Housing Development	Required for 4 units or more	Required for developments with 4 units or more

The proposed Cottage Housing Development ordinance is provided as *Exhibit I*.

LOCATION AND ZONING DESIGNATION FOR COTTAGE HOUSING DEVELOPMENTS

Cottage housing developments are to be designed to blend in with existing development in low- and medium-density residential neighborhoods. In the unincorporated County, these are located in the Low Density Residential (R1) and Medium Density Residential (R2) zoning districts. There are 10,022 parcels zoned R1 and 1,486 parcels zoned R2 within the unincorporated county.

Cottages provided within these developments should match the surrounding low- and medium-density residential areas in terms of mass and scale. Cottage housing developments are already permitted in the R2 district in the form of duplexes, triplexes, and four-plexes, and dwelling groups (proposed to be re-named cottage housing developments). However, because there are so many more R1 zoned parcels than R2 parcels, allowing cottage housing developments in the R1 Zone would provide expanded opportunities for this type of housing and would enable more efficient use of the limited amount of available urban land in the County.

While cottage housing developments within existing neighborhoods can add variety and housing choices, in several single-family areas of the county the Sonoma Complex fires destroyed entire neighborhoods. In these areas, it may not be advisable to allow cottage housing developments until the majority of the neighborhood has been redeveloped in order to prevent a large number of lots being developed with cottages housing developments instead of single-family homes. The Commission should consider whether it would be appropriate to restrict cottage housing developments within the burn areas.

Policy Options

Option 1: Allow cottage housing developments in the Low Density Residential (R1) and Medium Density Residential (R2) zoning district. This option would apply these proposed changes to the greatest number of parcels (11,508).

Option 2: Allow cottage housing developments in the Medium Density Residential (R2) Zone, and allow within the Low Density Residential (R1) Zone only outside of the burn areas. This Option would add a provision to Chapter 40 (Sonoma Complex Fires Disaster Recovery) preventing the construction of cottage housing developments within the burn areas. The prohibition would expire when Chapter 40 expires, which is on December 31, 2019 unless extended.

Option 3: Allow only attached cottage housing developments in R1, but allow detached cottage housing developments in both R1 and R2. This option would eliminate detached cottage housing development potential on 10,022 parcels with R1 zoning, reducing the impact these code changes could have on the

County's housing stock, but would allow conversion of existing homes into attached cottage housing on those parcels.

Option 4: Allow detached cottage housing developments in R1, but allow attached cottage housing developments within the R1 only when it is conversion of an existing home (no new attached cottages could be built). Allow both attached and detached cottage housing developments in R2.

Option 5: Do not adopt provisions for either attached or detached cottage housing developments and rely on existing provisions for accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and the type of missing middle housing already permitted in R2 to provide for this housing type. This option would maintain the current standard of allowing one lot zoned R1 or R2 to accommodate three dwelling units in the form of single-family dwelling, an attached or detached ADU, and an attached JADU, as well as the duplexes, triplexes, four-plexes, and dwelling groups currently permitted in R2.

Recommendation

Option 1. Allowing cottage housing developments (attached and detached) in the R1 and R2 zones would allow this housing type on the greatest number of parcels, allowing it to have a greater impact on the County's housing stock in urban areas.

COTTAGE SIZE

In order to be more affordable, it is essential that cottages are small. Larger housing units fetch higher rents, and cottage housing developments that only allow smaller cottages would increase the number of affordable units in the County. However, if maximum unit sizes are set too small, the size limitations could become another constraint to developers building cottage housing developments. Tiny homes on foundations would be permissible when building codes are met.

The size of units within attached cottages created by converting existing homes is not proposed to be limited; however, more than 3 units would require a use permit.

Policy Options

Option 1: Limit the maximum unit size of a detached cottage to 640 square feet. This option ensures units remain small (between a 500 square foot JADU and a 1,200 square foot ADU) but does not offer much flexibility to developers and may not incentivize the construction of enough units.

Option 2: Limit the maximum cumulative unit size for three detached cottages to be consistent with the average size of a single-family dwelling (2,700 square feet). This option ensures units remain small (an average of 900 square feet) but still provides flexibility to developers.

Option 3: Do not limit the unit size; instead limit the floor area ratio of a detached cottage housing development to 0.35. Both one- and two-story cottages could be allowed under this option. Because the number of units is not prescribed, but a use permit is required for four or more units, the burden of obtaining a use permit will encourage developments to include three or fewer units. This option provides the greatest flexibility, but by not limiting the size of the unit, it would incentivize larger units, not smaller.

Recommendation

Option 3. This option would limit the floor area ratio to ensure that the bulk and mass of the development stays within that allowed in the R1 Zone. The Design Review Committee would ensure that the homes are of a limited size to ensure that the cumulative scale, bulk and mass are consistent with the average single family home. This option provides the most flexibility while ensuring that cottage housing developments are designed appropriately for the neighborhood and for the size of the individual lot.

APPROPRIATE PARCEL SIZE AND DENSITY

If the cottage sizes are limited as recommended above, a group of three cottages will have impacts similar to a single-family dwelling, accessory dwelling unit, and junior accessory dwelling unit, which is currently allowed by-right within both the R1 and R2 zones with a minimum parcel size of 5,000 square feet. A guide written by The Housing Partnership titled *Cottage Housing in Your Community* cautions that “most jurisdictions measure allowable densities by units-per-acre or by minimum lot sizes. But all units are not created equal, and such measures foster a misperception of cottage housing.” The Housing Partnership encourages communities to think of floor area ratio, population, and cars and traffic when determining density. The small size of cottages in cottage housing developments has typically attracted singles and young or empty nester couples, which do not have the same impacts as a four-person household that could have at least four cars when all members are of driving age. The small cottage sizes encourage lower occupancies, which reduces impacts on neighborhoods.

A common way to calculate the number of cottages that can be permitted on a site is determining a set number of cottages per each single-family dwelling allowed by zoning. The average size of a single-family dwelling in the Low Density Residential (R1) Zoning District is approximately 2,700 square feet. An accessory dwelling unit (ADU) of up to 1,200 square feet and a junior accessory dwelling unit (JADU) of up to 500 square feet of the main house would also be allowed, for a total floor area of 3,900 square feet on a typical 8,000 square foot lot. Although ADUs and JADUs do not count toward density, they are three distinct dwelling units occupied by different households. The proposed cottage housing ordinance would replace the three dwelling units currently allowed in this manner with three smaller units (or more with a use permit).

Policy Options

Option 1: Set a minimum parcel size for cottage housing developments (attached and detached) of 8,000 square feet. Once the minimum parcel size is met, limit the density to one unit per 2,500 square feet. This would allow at least three cottages on the larger parcels. Setting a minimum parcel size ensures development would occur only on larger urban residential parcels, which may reduce impacts on surrounding neighborhoods but would reduce the total number of parcels that could accommodate this type of housing.

Option 2: Do not set a minimum parcel size; limit cottage housing developments to cottage per 2,500 square feet of lot area. This option would allow cottage housing developments on a greater number of parcels, and allow more cottages per parcel, although more than three units will always require a use permit.

Option 3: Set a minimum parcel size of 5,000 square feet (the smallest parcel size on which an ADU can be located) and limit attached missing middle housing to three units per parcel, in keeping with the current zoning regulations that allow one single-family home, one ADU, and one JADU on a single lot.

Recommendation

Option 1: Set a minimum parcel size for cottage housing development (attached and detached) of 8,000 square feet and to one unit per 2,500 square feet. This would allow at least three cottages but would maintain increased compatibility with surrounding neighborhoods by requiring a larger than parcel size.

PRESERVING HOUSING STOCK AND RENTAL HOUSING

PROTECTIONS FOR RENTERS IN MOBILE HOME PARKS

The County's Zoning Ordinance (Section 26-92-090) contains protections for renters in mobile home parks when an owner of a mobile home park seeks to close the park, convert it to another use, or cease use of the land as a mobile home park. The Code requires a use permit and tenant relocation assistance to allow conversion. However, it does not specify protections for renters in a mobile home park when the owner of the park converts it from a rental park to an ownership park. The Golden State Manufactured-Home Owners League (GSMOL) recommended changes to the Code to extend the use permit requirement to situations where rental parks are converted to ownership, which allows conditions to be placed on the conversion project. The proposed code amendments (shown in *Exhibit K*) make clear that the intent is to protect rental housing, as opposed to mobile home spaces, and requires the park conversion to be consistent with the County's General Plan.

CONDOMINIUM CONVERSIONS

The proposed condominium conversion ordinance would protect renters in an apartment complex when it is proposed to be converted to condominium and ownership use. This is a tool used by many other communities to protect rental housing. Condominium conversions take place when a building currently used for rental housing is subdivided into several individual units that can be sold separately. For example, a developer may buy a four-unit apartment building, convert the apartments to four condominium units, and sell each to a different homebuyer.

Condominium conversion policies have the goals of: (a) protecting the residents when their rental units are converted to condominiums; (b) helping to offset the impact of the reduction in rental housing supply, which can contribute to higher rents in other developments; (c) protecting rental housing stock by not allowing application for condo conversions unless rental vacancy rates exceed five percent. These policies serve both preservation and protection objectives for rental housing.

The proposed condominium conversion ordinance as shown in *Exhibit H* currently exists within the Housing Element of the County General Plan Policy HE-1i. The proposed changes would codify this existing language into the Zoning Code.

OTHER RECOMMENDED CHANGES

In addition to the changes set forth above, other sections of the Zoning Code will need to be amended to implement staff's recommendations. Definitions related to workforce housing and cottage housing

developments would be clarified in the definitions section (*Exhibit A*). The Zoning Code would also be amended to clarify the parking requirements for the new types of housing as shown in *Exhibit G* and the Ownership Housing Opportunity requirements as shown in *Exhibit J*.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hear the staff presentation and:

1. Hold a public hearing,
2. Deliberate on the policy options for each topic in the staff report,
3. Adopt the Negative Declaration, and
4. Adopt resolution recommending zoning code changes to the Board of Supervisors.

The Planning Commission's recommendation and discussion will be forwarded to the Board of Supervisors for consideration at another public hearing this fall.

LIST OF ATTACHMENTS

Planning Commission Resolution

Draft Ordinance, with Exhibits:

Exhibit A: Definitions

Exhibit B: R1 Zoning District

Exhibit C: R2 Zoning District

Exhibit D: R3 Zoning District

Exhibit E: Affordable Housing (AH) Combining District

Exhibit F: Workforce Housing (WH) Combining District

Exhibit G: Required Parking

Exhibit H: Condominium Conversions

Exhibit I: Cottage Housing Developments

Exhibit J: Mobile Home Park Conversions

Public Comments Received as of August 23, 2018

Negative Declaration

ORD18-0006 – Zoning Code Changes to Facilitate Housing Development
Summary of Planning Commission Policy Options and Recommendations
 Planning Commission Public Hearing, August 30, 2018

Staff recommendations are indicated with a ✓

SIMPLIFICATION OF MULTI-FAMILY DEVELOPMENT STANDARDS

Density Unit Equivalents

Policy Options	Commission Recommendations
<p>✓ Option 1: Adopt the Density Unit Equivalent concept. Density unit calculations would be used for all multi-family developments, which are only allowed within designated Urban Service Areas. This option would encourage smaller units and allow a larger number of rental units within the same building scale and mass if small units are utilized.</p> <p>Option 2: Adopt the Density Unit Equivalent concept for micro-apartments only. This option would apply a fractional unit density of 0.33 for each micro-apartment, and apply a density of one to all other unit sizes. This option would encourage smaller units but may not adequately offset the average occupancies of larger units, and may not create enough of an incentive without increasing the density unit equivalent of larger units.</p> <p>Option 3: Do not adopt the Density Unit Equivalent concept. This option would keep the current density limits and would not encourage smaller units while providing flexibility in design.</p>	Option 1

WORKFORCE HOUSING COMBINING ZONE

Applicability – Where Should Workforce Housing Be Allowed?

Policy Options	Commission Recommendations
<p>✓ Option 1: Allow the WH Combining Zone to be applied to commercial zones within urban service areas that provide primarily retail and service uses including Limited Commercial (LC), and Retail Business and Service District (C2). The Limited Commercial Zoning District includes many different retail and service uses located generally along major arterials. Retail Business and Services (C2) is comprised of commercial centers serving the broader community. This option would preserve heavy commercial and industrial-zoned land, allowing additional housing near commercial services but not near employment in industrial areas.</p> <p>Option 2: Allow the WH Combining Zone to be applied to the heavy commercial zones (General Commercial C3), subject to the granting of a use permit. General commercial zoning allows wholesale and heavy commercial uses including car and truck sales, rentals and repair, gas stations, tire sales, warehousing, including mini-storage, cabinet shops, equipment rental, and storage yards. This option would provide housing near jobs for workers in those sectors, but housing adjacent to or on the same parcel as those may not be compatible in terms of noise, the presence of hazardous materials, dust, and walkability, as those uses tend to be on large parcels and automobile-serving, not neighborhood-serving, uses. In addition, the incompatibility of these uses would make it difficult to site future heavy commercial or industrial uses requiring environmental review near housing, because the effect of those new uses on existing housing would be difficult to mitigate.</p> <p>✓ Option 3: Allow the WH Combining Zone to be applied to properties in the Limited Industrial (M1), Industrial Park (MP) and Public Facilities (PF) zoning districts. The industrial zones allow primarily warehousing, light manufacturing/assembly, food processing, laboratories, offices, hotels and health clubs. The Public Facilities zone allows offices, equipment storage, fire stations, and other utility uses. In terms of noise, intensity, and scale/walkability, these uses are likely to be compatible with residential uses.</p> <p>✓ Option 4: Allow the WH Combining Zone to be applied to properties in the Limited Rural Industrial (M3) Zoning District. The M3 zone has nearly identical permitted uses to the M1 zone</p>	Options 1, 3, and 4

<p>except that it typically provides industrial development outside of designated urban service areas; however, there are 53 parcels located inside urban service areas that are zoned M3. This option would provide housing opportunities for the 53 parcels located inside the Urban Service Area.</p>	
Proximity to Employment Center or Transit	
Policy Options	Commission Recommendations
<p>✓ Option 1: Require a maximum distance from employment center or transit of 3,000 feet. This option would set a maximum distance that is still close enough to walk, bike, or take transit to work.</p> <p>✓ Option 2: Define employment nodes as a minimum area of three acres of contiguous commercially zoned land or 10 acres of contiguous industrial-zoned land or combination thereof providing an equivalent ratio. This option would provide flexibility in location while ensuring that housing is near employment centers.</p> <p>Option 3: Require that the employment node be on the same parcel as the workforce housing or adjacent to workforce housing. This option would ensure that housing is near a source of employment but may not encourage enough units. This option would strictly limit the number of housing sites that could be considered for the combining zone.</p>	<p>Options 1 and 2</p>
Size of Workforce Housing Units	
Policy Options	Commission Recommendations
<p>✓ Option 1: Incentivize smaller units by calculating the permitted residential density based on the proposed density unit table for the R3 (High Density Residential) zoning district.</p> <p>✓ Option 2: Require that 15 percent of total units are small micro-apartments (less than 500 square feet). This would provide a wide range of household sizes to meet the needs of a diverse workforce.</p> <p>Option 3: Set a maximum unit size at to ensure smaller units and efficient utilization of land and building mass.</p> <p>Option 4: Do not limit unit sizes. This option would provide maximum flexibility and incentives for developers, but may not yield units small enough to be affordable-by-design to the majority of the County’s workforce.</p>	<p>Commission recommended Option 1 only</p>
Allowable Density for Workforce Housing Projects	
Policy Options	Commission Recommendations
<p>✓ Option 1: Set the minimum base density at 16 units per acre and maximum at 24 units per acre, allowing up to 32 units per acre with a state density bonus (up to 35 percent) and 48 units per acre with a Housing Opportunity (100%) density bonus. This option would be consistent with the densities allowed by the AH (Affordable Housing) Combining Zone. This option would encourage higher-density workforce housing development, but it could prove difficult to develop an ownership project with this density.</p> <p>Option 2: Set the minimum density workforce housing projects at 12 dwelling units per acre and the maximum at 20 dwelling units per acre, allowing up to 27 units per acre with a state density bonus and up to 40 units per acre with a Housing Opportunity (100%) density bonus. This option would be consistent with the densities allowed by the R3 (High Density Residential) zoning district. Workforce housing developments in this density range would generally be two to four stories.</p>	<p>Option 1</p>

PROVISIONS FOR COTTAGE HOUSING DEVELOPMENTS	
Location and Zoning Designation for Cottage Housing Developments	
Policy Options	Commission Recommendations
<p>✓ Option 1: Allow cottage housing developments in the Low Density Residential (R1) and Medium Density Residential (R2) zoning district. This option would apply these proposed changes to the greatest number of parcels (11,508).</p> <p>Option 2: Allow cottage housing developments in the Medium Density Residential (R2) Zone, and allow within the Low Density Residential (R1) Zone only outside of the burn areas. This Option would add a provision to Chapter 40 (Sonoma Complex Fires Disaster Recovery) preventing the construction of cottage housing developments within the burn areas. The prohibition would expire when Chapter 40 expires, which is on December 31, 2019 unless extended.</p> <p>Option 3: Allow only attached cottage housing developments in R1, but allow detached cottage housing developments in both R1 and R2. This option would eliminate detached cottage housing development potential on 10,022 parcels with R1 zoning, reducing the impact these code changes could have on the County’s housing stock, but would allow conversion of existing homes into attached cottage housing on those parcels.</p> <p>Option 4: Allow detached cottage housing developments in R1, but allow attached cottage housing developments within the R1 only when it is conversion of an existing home (no new attached cottages could be built). Allow both attached and detached cottage housing developments in R2.</p> <p>Option 5: Do not adopt provisions for either attached or detached cottage housing developments and rely on existing provisions for accessory dwelling units (ADUs), junior accessory dwelling units (JADUs), and the type of missing middle housing already permitted in R2 to provide for this housing type. This option would maintain the current standard of allowing one lot zoned R1 or R2 to accommodate three dwelling units in the form of single-family dwelling, an attached or detached ADU, and an attached JADU, as well as the duplexes, triplexes, four-plexes, and dwelling groups currently permitted in R2.</p>	<p>Option 1</p>
Cottage Size	
Policy Options	Commission Recommendations
<p>Option 1: Limit the maximum unit size of a detached cottage to 640 square feet. This option ensures units remain small (between a 500 square foot JADU and a 1,200 square foot ADU) but does not offer much flexibility to developers and may not incentivize the construction of enough units.</p> <p>Option 2: Limit the maximum cumulative unit size for three detached cottages to be consistent with the average size of a single-family dwelling (2,700 square feet). This option ensures units remain small (an average of 900 square feet) but still provides flexibility to developers.</p> <p>✓ Option 3: Do not limit the unit size; instead limit the floor area ratio of a detached cottage housing development to 0.35. Both one- and two-story cottages could be allowed under this option. Because the number of units is not prescribed, but a use permit is required for four or more units, the burden of obtaining a use permit will encourage developments to include three or fewer units. This option provides the greatest flexibility, but by not limiting the size of the unit, it would incentivize larger units, not smaller.</p>	<p>Commission recommended Option 2 instead</p>

Appropriate Parcel Size and Density	
Policy Options	Commission Recommendations
<p>✓ Option 1: Set a minimum parcel size for cottage housing developments (attached and detached) of 8,000 square feet. Once the minimum parcel size is met, limit the density to one unit per 2,500 square feet. This would allow at least three cottages on the larger parcels. Setting a minimum parcel size ensures development would occur only on larger urban residential parcels, which may reduce impacts on surrounding neighborhoods but would reduce the total number of parcels that could accommodate this type of housing.</p> <p>Option 2: Do not set a minimum parcel size; limit cottage housing developments to cottage per 2,500 square feet of lot area. This option would allow cottage housing developments on a greater number of parcels, and allow more cottages per parcel, although more than three units will always require a use permit.</p> <p>Option 3: Set a minimum parcel size of 5,000 square feet (the smallest parcel size on which an ADU can be located) and limit attached missing middle housing to three units per parcel, in keeping with the current zoning regulations that allow one single-family home, one ADU, and one JADU on a single lot.</p>	<p>Commission chose Option 1 and added a policy option to limit CHDs in burn areas by establishing a radius within which there could be a maximum of one cottage housing development</p>
PRESERVING HOUSING STOCK AND RENTAL HOUSING	
Protections for Renters in Mobile Home Parks	
Policy Options	Commission Recommendations
<p>The County’s Zoning Ordinance (Section 26-92-090) contains protections for renters in mobile home parks when an owner of a mobile home park seeks to close the park, convert it to another use, or cease use of the land as a mobile home park.</p> <p>The Code requires a use permit and tenant relocation assistance to allow conversion. However, it does not specify protections for renters in a mobile home park when the owner of the park converts it from a rental park to an ownership park.</p> <p>The proposed code amendments make clear that the code applies to situations where rental parks are converted to ownership.</p>	<p>Commission recommended adoption of code amendments</p>
Condominium Conversions	
Policy Options	Commission Recommendations
<p>The proposed condominium conversion ordinance currently exists within the Housing Element of the County General Plan Policy HE-1i. The proposed changes would codify this existing language into the Zoning Code.</p> <p>The proposed ordinance aims to: (a) protecting the residents when their rental units are converted to condominiums; (b) helping to offset the impact of the reduction in rental housing supply, which can contribute to higher rents in other developments; (c) protecting rental housing stock by not allowing application for condo conversions unless rental vacancy rates exceed five percent. These policies serve both preservation and protection objectives for rental housing.</p>	<p>Commission recommended adoption of the condominium conversion ordinance</p>



Negative Declaration

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Revised October 12, 2018

Date: August 9, 2018

Contact: Nina Bellucci, 565-1236

Pursuant to Section 15071 of the State CEQA Guidelines, this summary of findings and the attached Initial Study constitute the Negative Declaration as proposed for or adopted by the County of Sonoma for the project as described below. This Initial Study has been prepared by the Sonoma County Permit and Resource Management Department (Permit Sonoma), Planning Division:

Project Title: Zoning Code Changes to Expand Housing Opportunities

File Number: ORD18-0006

APN: Numerous Parcels Countywide

Project Location: Countywide, excluding Coastal Zone

Lead Agency: County of Sonoma

Decision Making Body: Sonoma County Board of Supervisors

Project Applicant: County of Sonoma

Brief Project Description: Amendments to the text of the zoning code (Sonoma County Code, Chapter 26), to expand opportunities for housing within designated Urban Service Areas, and to better protect existing rental housing stock.

Introduction and Environmental Finding: Permit Sonoma is proposing changes to Chapter 26 of the Sonoma County Code to expand opportunities for housing, and to better protect existing rental housing stock. The code changes are intended to encourage housing development within existing urbanized areas near jobs and transit. No physical changes to the environment will result from the adoption of the proposed code amendments alone. Future housing developments allowed by the code changes would be subject to individual review and to project-specific use, development, and design standards on a project-specific basis, including project-level CEQA analysis if applicable. Evaluation of future project-level impacts would be too speculative to include in this Initial Study. Accordingly, pursuant to *CEQA Guidelines* section 15145, discussion of project-level impacts is not required.

Based on the analysis set forth in this Initial Study, the County has concluded that adoption of the proposed code changes would not result in significant impacts on the environment and a Negative Declaration is appropriate.

PROJECT DESCRIPTION

Background

This project proposes changes to Chapter 26 of the Sonoma County Code that are designed to reduce constraints to and expand opportunities for housing development and to provide more variety of housing types to meet the needs of a diverse population and workforce.

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. However, it is possible to evaluate the potential scope of the application of these code changes.

General Plan Consistency

The proposed zoning code amendments are consistent with General Plan 2020, including the following key goals, objectives, and policies:

Goal LU-3: Locate future growth within the cities and unincorporated Urban Service Areas in a compact manner using vacant “infill” parcels and lands next to existing development at the edge of these areas.

Objective LU-2.5: Provide sufficient opportunities for higher density housing within the Urban Service Areas to accommodate the population growth quantified in the Housing Element Objectives for lower and moderate income units.

Policy LU-2c: Encourage the retention and production of diverse types of housing within Urban Service Areas in order to provide adequate housing choices for current and future residents.

Policy LU-6i: Provide expanded opportunities for a mix of residential and commercial or industrial use in Urban Service Areas.

Policy CT-1k: Encourage development that reduces VMT, decreases distances between jobs and housing, reduces traffic impacts, and improves housing affordability.

The Sonoma County General Plan’s goals, objectives, and policies direct growth to infill areas within established Urban Service Areas (see Figure 1). Urban Service Areas are defined as areas designated in the General Plan within which the full range of public services and infrastructure, such as sewer, water, police and fire protection, roads and transit, and other services necessary for urban development are available or planned to be available. (Sonoma County Code, § 26-02-140.) The proposed code changes would allow and encourage housing within these already-established Urban Service Areas, directing growth there rather than in rural areas and community separators. All proposed changes will directly implement the policies and programs of the Sonoma County General Plan. Development in Urban Service Areas was previously evaluated in the Environmental Impact Report for Sonoma County’s General Plan 2020. Because of slower than anticipated growth, population and household changes greater than those analyzed in this document were previously analyzed in the General Plan 2020 Environmental Impact Report. The proposed changes will not result in environmental impacts that exceed those previously analyzed. In particular, the General Plan estimated that the number of housing units in the County would grow to 221,640 housing units through 2020. The General Plan estimated the nine cities would accommodate 70 percent of those units, while the unincorporated area would accommodate about 30 percent. The current number of housing units in the County is 209,326—well below the General Plan 2020 buildout estimate of 221,640. Since 2010, 666 housing units have been added per year on average. At this rate, by 2020 the total number of housing units in the County would be 211,324—approximately 10,000 units below the County’s General Plan 2020 buildout projection.

Affordable Housing

These proposed code changes would maintain the existing affordable housing program requirements set forth in Article 89 of the Zoning Code. All residential development must meet those requirements by 1) providing affordable housing units on site, 2) paying an in-lieu fee, or 3) by an alternative equivalent action. Many of the changes included in this proposal require that projects that do not meet affordable housing requirements on-site require a use permit in addition to design review, while projects that do provide units on-site are subject only to design review. These projects are still subject to any applicable CEQA analysis at the time of project application.

General Discussion of Environmental Constraints

There are four primary environmental constraints to the development of housing in the unincorporated area of Sonoma County. These include the potential for flooding along certain portions of the Russian River; steep slopes in some rural areas; poor septic suitability in some rural areas; and the presence of the listed California Tiger Salamander (CTS) and possibly listed plants within the Santa Rosa Plain.

Urban Service Areas and Urban Services

There are 12 urban service areas in the unincorporated county, served by a total of 22 wastewater management and water service providers that are not under the jurisdiction of the County of Sonoma. Each unincorporated community and each sewer or water system is unique in terms of size, geography, topography, water sources, age and condition of lines and equipment, and rate structure. Some sewer or water systems in the unincorporated county have existing treatment facilities or water supplies that are adequate to serve growth at buildout of the 2020 General Plan; some do not. Areas where either water or sewer capacity may need to be increased to serve General Plan buildout include Geyserville, the Russian River area, Larkfield, and the Sonoma Valley. Providers serving each of these areas are pursuing new sources of supply, additional allocations from the Sonoma County Water Agency, and/or upgraded infrastructure in order to keep up with demand. In general, service providers are unable to finance and build capacity in their facilities long before it is needed.

Summary of Proposed Code Changes

Description of Proposed Change	Affected Chapter 26 Subsection	Zoning Districts Affected	Notes
Simplified multi-family development standards	Articles 59, 24	R2, R3, AH, proposed WH combining zone (within urban service areas)	
Adopt density unit equivalent model	Articles 59, 24	R2, R3, AH, proposed WH combining zone (within urban service areas)	
Cottage housing developments	New § 26-88-230; Articles 20 and 22	R1, R2 (within urban service areas)	
WH Workforce Housing Combining Zone	New Article 75	LC, C2, M1, MP, PF, M3 (within urban service areas)	Proposal makes the WH Combining Zone available by application. Eligible parcels must be within 3,000 feet of a transit center or an employment node with at least 3 acres of commercial or 10 acres of industrial zoning (or equivalent). Requires rezoning, consistency with applicable area or specific plan, CEQA review, public hearings.
Rental mobile home park protection	Article 92	Countywide	Applies to existing mobile home parks countywide
Condominium conversion ordinance	New 26-88-193	Countywide	Applies countywide to subdivision applications to convert five or more apartments to separate condominiums

Multi-Family Housing Development Standards

The proposed code changes include modifications to the development standards in the High Density Residential (R3) zoning district, and adopts these development standards for multi-family development in any zoning district in which multi-family development is allowed. The development standards are also proposed to be updated to require storm water management using low-impact development guidelines and include additional design standards to address potential lighting impacts, include water conservation plans and water-efficient landscaping, and to clarify that vacation rental timeshare and transient rental occupancies are not allowed.

The proposed development standards would apply to multi-family projects wherever such development is allowed—the Medium Density Residential (R2) and High Density Residential (R3) zoning districts, and the Affordable Housing (AH) and proposed Workforce Housing (WH) combining districts. These standards would apply to 1,577 parcels with R2, R3, and AH zoning designations. Of these parcels, 82 are vacant.

Future parcels could, through a rezoning, have the AH or WH combining zone applied to them, and therefore be subject to the R3 development standards. However, the application of the combining zoning

would be a legislative project requiring a rezoning, and any potential environmental impacts of the rezoning would be evaluated at the time of project application.

Permit Requirements. Multi-family projects are subject to environmental review at the time of application submittal, unless specifically exempt from CEQA, and all are subject to design review. The design review process is intended to evaluate the project for general acceptability of land uses, open space configuration, conformity to adopted general plans or area land use plans, specific uses and densities proposed, and their interrelationships and relationship to the surroundings.

Density Unit Equivalent. The new multi-family development standards are proposed to include a new density unit equivalent concept to encourage more, smaller rental units. Currently, allowed density is calculated in units-per-acre, regardless of the size of the unit and therefore the number of people expected to occupy it. Using density unit equivalents, smaller units occupied by fewer people would count toward allowed density as less than one unit, and larger units occupied by more people would count as more than one unit (see table 1, below). This would encourage the development of smaller units within the same building scale, bulk, and mass as traditional apartments.

Table 1: Proposed Density Unit Equivalents

Dwelling Unit Size	Density Units
Micro-apartment or studio (<500 sf)	0.33 density unit
One bedroom (<750 sf)	0.50 density unit
Two bedrooms (<1,000 sf)	0.75 density unit
Three bedroom	1.00 density unit
Four or more bedrooms	1.50 density units

As stated above, these development standards, including the application of density unit equivalents, could apply to 1,577 parcels with R2, R3, and/or AH zoning designations. Of those, 82 parcels are vacant. All parcels with those zoning designations are in urban service areas, and primarily in the Larkfield, Geyserville, and Sonoma Valley Urban Service Areas. However, these development standards would also be used in any projects approved under the proposed Workforce Housing Combining Zone, discussed below.

Workforce Housing Combining Zone

A new Workforce Housing (WH) Combining Zone is proposed to allow for higher density housing within Urban Service Areas and near jobs and transit. The combining zone does not replace any of the underlying allowable commercial or industrial uses; instead it adds workforce housing as an additional optional land use that would be available by application. The WH Combining Zone is not proposed to be applied to any parcels at this time but would be adopted into the code as an option for possible future application to specific parcels.

Permit Requirements. The WH Combining Zone would be applied through the rezoning process, which is a legislative action approved by the Board of Supervisors after CEQA review, and after public hearings before the Planning Commission and the Board of Supervisors. Workforce housing projects that meet the County's affordable housing requirements by providing affordable units on-site would be subject to design review, while projects meeting those requirements by another method would require a use permit and be subject to design review.

Parcel Criteria. The WH Combining Zone is proposed to be available as a combining (overlay) zone, that could be combined with commercial and light industrial base zones within urban service areas, including Limited Commercial (LC), Retail Business and Service District (C2), Limited Industrial Districts (M1), Industrial Park District (MP), and Public Facilities (PF) zoning districts, and in the Limited Rural Industrial District (M3) when located inside of an urban service area.

The WH Combining Zone would be available for application to parcels that are within 3,000 feet of a transit center or an employment node with at least three acres of commercial zoning or 10 acres of industrial zoning (or equivalent ratio), so that residents can walk, bike, or take transit to work.

There are 1,055 eligible parcels that meet the basic criteria for application of the WH Combining Zone. However, in addition to the basic criteria, a proposed rezoning must be found to be consistent with any underlying area or specific plan. Many parcels of the 1,055 identified parcels are governed by plans that would either not allow any residential development or not allow higher-density residential development. These are:

- *Sonoma County Airport and the Sonoma Skypark.* Any housing projects within the vicinity of a public use airport is required by General Plan policy to comply with the standards in the adopted Comprehensive Airport Land Use Plan (CALUP) for Sonoma County, which limits the allowable density and intensity of development within the airport safety zones and includes requirements that limit hazards, such as height limits and required open space. In addition, the Airport Industrial Area Specific Plan does not permit residential development, so workforce housing in this area will not be permitted unless and until the new Airport Area Specific Plan and environmental impact report are adopted.
- *South Santa Rosa.* The City of Santa Rosa's General Plan (policy GM-B-4) restricts development in the 453-acre area east of Santa Rosa Avenue and north of Todd Road until a specific plan is completed for that area.

Approximately 805 parcels outside of these restricted areas are eligible for the WH combining zone; 113 of those parcels are vacant. Although the ordinance allows housing to be sited on non-vacant parcels with existing industrial or commercial uses, these parcels may reasonably be assumed to be eligible and available for the application of the WH zoning designation. Not all vacant parcels would be rezoned to apply the WH designation. Of those 113 parcels, the highest concentrations of parcels are in the Santa Rosa, Larkfield, Guerneville, and Sonoma Valley Urban Service Areas. There are environmental constraints to workforce housing development in those areas:

- Development in the Santa Rosa area may be constrained by proximity to California tiger salamander habitat;
- Development in the Guerneville area is constrained by the floodway and floodplains of the Russian River; and
- In Guerneville, Larkfield, and the Sonoma Valley urban service areas, sewer and water capacity may pose a constraint.

Size of Units. The WH Combining Zone would incentivize smaller units with density unit equivalents (as discussed above in the changes to the R3 development standards) to ensure a range of unit sizes would be provided to meet the needs of a diverse workforce.

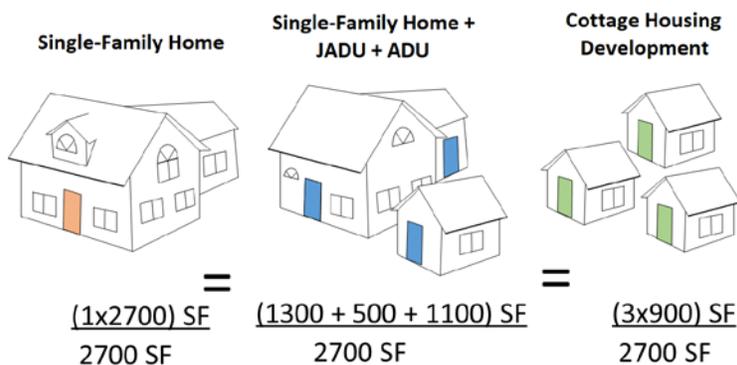
Density. The WH Combining Zone would require a minimum density of 16 dwelling units per acre and a maximum density of 24 dwelling units per acre, allowing for the density bonus or Housing Opportunity programs to increase the density up to 48 dwelling units per acre. This option would encourage the development of high-density workforce housing near job and transit centers, encourage affordable units, and maximize the use of urban lands.

Cottage Housing Developments

The proposed cottage housing ordinance would allow multi-unit housing, limited in size and by number of units, in the Low Density Residential (R1) zoning district. This would be allowed as an optional alternative to the dwelling units that are currently allowed on R1 parcels: a single-family home of no specified size, plus an accessory dwelling unit (ADU) up to 1,200 square feet in size, and a junior accessory dwelling unit (JADU) up to 500 square feet. (See Figure 1, below.) Allowing both attached cottage housing (conversion of an existing single-family home) and detached cottage housing units are proposed.

Duplexes, triplexes, fourplexes, and dwelling groups are already allowed in the R2 zoning district. The proposed changes to the R2 ordinance change the name of dwelling groups to cottage housing developments, and reference the proposed cottage housing ordinance.

Figure 1: Cottage Housing Developments



Permit Requirements. All detached cottage housing developments would be subject to design review. All developments (attached or detached) of four or more units would be permitted subject to a use permit and environmental review. Attached developments of up to three units that involve no external modifications would not require design review. Unless specifically exempt, all applications for cottage housing developments would be subject to applicable environmental review at the time of application submittal.

Parcel Requirements. Cottage housing developments would be permitted in the Low Density Residential (R1) and Medium Density Residential (R2) zoning districts, subject to the permit requirements outlined above. The proposed ordinance requires a minimum parcel size of 8,000 square feet. Cottage housing developments would be permitted in Urban Service Areas only.

There are 4,581 parcels meeting the criteria set forth above: zoning, parcel size, and location within an Urban Service Area. These parcels could accommodate attached (conversion of a single-family home) or detached cottage housing developments. Of those parcels, 734 are vacant (as defined by the parcel's Assessor's Use Code). These are parcels that could reasonably be assumed to be available for detached cottage housing development.

In some areas of the County, the Sonoma Complex fires destroyed entire neighborhoods, and many lots in the Larkfield and Glen Ellen communities are now vacant because of the fire. Of the 734 vacant parcels meeting the parcel criteria, 452 of those are in the burn area. In order to avoid over-concentration of cottage housing developments in those areas and preserve the character of these single-family neighborhoods but also provide for a variety of housing types, the proposed ordinance limits cottage housing developments to, roughly, one per block. The average block length in the Larkfield area is 600 feet; in Glen Ellen, the average block length is 400 feet. The proposed ordinance would limit cottage housing developments in each of those areas to one per a radius of 600 or 400 feet, respectively.

The highest concentration of vacant parcels outside of the burn area is in the Guerneville area, but constraints to development in those areas include sewer and water capacity, and the presence of floodways, floodplains, and riparian corridor setbacks. These constraints reduce the buildable area of many lots.

Size of Units. The proposed ordinance allows a maximum cumulative unit size of up to 2,700 square feet per parcel, which is consistent with the average size of a single-family dwelling in the R1 zoning district. Cottage housing developments with a cumulative floor area of more than 2,700 square feet may be

permitted subject to a use permit, and as stated above. The environmental impacts of projects requiring a use permit will be evaluated at the time of project application.

Protection of Rental Housing Stock

These proposed code changes will codify the existing General Plan condominium conversion policy and improve protections for residents of rental mobile home parks that are converted to ownership parks. Protections for renters in mobile home parks exist in the Zoning Ordinance (Sec. 26-92-090) but the proposed changes extend the requirement to obtain a use permit in order to close or convert a mobile home park to another use to situations where rental parks are converted to ownership, which allows conditions to be placed on the conversion project. The proposed code amendments make clear that the intent is to protect rental housing, as opposed to mobile home spaces, and requires the park conversion to be consistent with the County's General Plan.

The proposed condominium conversion ordinance will codify current General Plan Housing Element Policy HE-1i, which requires the following criteria be met in order to approve an application for a condominium conversion:

1. The most recent General Plan Annual Implementation Progress Report showed a rental vacancy rate of at least five percent.
2. At least 30 percent of the units will be reserved for sale to low- and very low-income households.
3. Current tenants will be granted the right of first refusal, and those over the age of 60 will be offered long-term leases.

Although a Negative Declaration was prepared for the proposal, those segments of the proposal that would provide protections for renters in mobile home parks and protect existing rental housing stock from conversion to condominiums have no potential for causing a significant effect on the environment and are exempt from CEQA per State *CEQA Guidelines* Section 15061(b)(3).

More Information

For additional information please contact Nina Bellucci, Planner, at (707) 565-1236, or visit the County's website at <https://sonomacounty.ca.gov/PRMD/Regulations/Housing-Initiatives/>.

Initial Study Checklist

This checklist is taken from Appendix G of the State CEQA Guidelines. For each item, one of four responses is given:

No Impact: The project would not have the impact described. The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

Less Than Significant Impact: The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

Potentially Significant Unless Mitigated: The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

Potentially Significant Impact: The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question on the checklist was answered by evaluating the project as proposed.

Environmental Factors Potentially Affected

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

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

Incorporated Source Documents

In preparation of the Initial Study checklist, the following documents were referenced/developed, and are hereby incorporated as part of the Initial Study. All documents are available in the project file or for reference at the Permit and Resource Management Department.

- Project Application and Description
- Initial Data Sheet
- County Planning Department's Sources and Criteria Manual
- Sonoma County General Plan 2020 and Associated EIR (2008)
- Sonoma County Housing Element Subsequent Negative Declaration (2014)
- Specific or Area Plan
- Sonoma County Zoning Ordinance
- Sonoma County Rare Plant Site Identification Study
- Project Referrals from Responsible Agencies
- State and Local Environmental Quality Acts (CEQA)
- Full record of previous hearings on project in File
- Correspondence received on project
- Other technical reports

1. AESTHETICS

Would the project:

a) Have a substantial adverse effect on a scenic vista?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
b) Substantially damage scenic resources, including, but not limited to trees, rock	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact

outcroppings, and historic buildings within a state scenic highway?			x	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
			x	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above.

All projects of four or more units facilitated by these code changes (multi-family development utilizing the proposed R3 standards, workforce housing projects, and cottage housing developments) would be subject to design review and applicable environmental review, with the exception of internal conversion of an existing single-family home to a cottage housing development of three units or less because such a project would involve no external changes to the structure.

The design review process evaluates the project for compliance with Article 82 of the Sonoma County Code, Design Review. Article 82 sets forth general development standards, including:

- Orientation and design of buildings to maintain natural topography and harmony with surrounding buildings and site characteristics
- Screening of high-density development adjacent to low-density development
- Undergrounding of utilities
- Parking lot landscaping and location
- Safe and functional circulation in parking areas
- Appropriate colors, materials, and lighting

Furthermore, all multifamily housing development would be required to meet the development standards proposed for the R3 district, which require that exterior lighting be low mounted, downward casting, and fully shielded to prevent glare and light pollution.

Future utilization of the density unit equivalent provisions is not anticipated to have a visual impact because the scale, bulk, and massing of projects would not be greater than currently allowed.

Future rezoning requests to add the WH (Workforce Housing) Combining Zone to specific parcels would be evaluated at the time of the request through the rezoning process and site-specific environmental review.

Mitigation: None required.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
b) Conflict with existing zoning for agricultural use, or Williamson Act Contract?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
d) Result in the loss of forest land or conversion of forest land to non-forest use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

<p>Comments:</p> <p>The project consists of regulatory changes, which by themselves will have no physical effect on the environment.</p> <p>There may be some lands within urban service areas that were designated under the Farmland Mapping and Monitoring Program as prime, unique, or of statewide importance. However, the proposal does not allow new development in any area where the same type and intensity of development is not currently allowed (R1, R2, R3 districts), and accordingly the potential loss of state designated farmland was previously analyzed and considered. The potential loss of lands designated by the state as farmlands is minor in comparison with the total acreage of farmland in the County, and accordingly the impact is less than significant.</p> <p>Since the proposed code changes apply only to parcels within designated Urban Service Areas where no parcels are zoned for agricultural use, the proposal would not affect locally designated agricultural or timber resources.</p>
<p>Mitigation: No mitigation needed.</p>

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x

d) Expose sensitive receptors to substantial pollutant concentrations?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
e) Create objectionable odors affecting a substantial number of people?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application. The primary source of potential air quality impacts with the proposed code changes would be related to vehicle trips.

Future projects would lie within either the Bay Area Air Quality Management District (BAAQMD) or the Northern Sonoma County Air Pollution Control District (NSCAPCD). The BAAQMD is currently designated as a nonattainment area for state and federal ozone standards, the state PM 10 standard, and the state and federal PM 2.5 standard. The NSCAPCD does not have an adopted air quality plan as it is in attainment for all federal and state criteria pollutants, although the District occasionally exceeds state standards for PM 10.

The BAAQMD has adopted an Ozone Attainment Plan and a Clean Air Plan in compliance with Federal and State Clean Air Acts. These plans include measures to achieve compliance with both ozone standards. The plans deal primarily with emissions of ozone precursors (nitrogen oxides (NOx) and volatile organic compounds, also referred to as Reactive Organic Gases (ROG). Future projects will be subject to environmental review, including air quality review if emission thresholds for ozone precursors are met.

Future housing projects could result in short-term emission of dust (which would include PM_{2.5} and PM₁₀) during construction. However, adopted standards of the County require all projects to either spray construction areas or otherwise control dust using adopted Best Management Practices (BMPs). County Building Inspectors may red flag and stop construction projects during their site inspections if the project does not meet adopted County building regulations and standards, including BMPs. Given the short-term nature of the potential construction dust impact, and the required control of dust through adopted BMPs, and the inspection of construction sites by County Building Inspectors, no significant dust impacts from the project are expected.

Future utilization of the density unit equivalents proposed as part of the changes to the multifamily development standards is not anticipated to have an air quality impact greater than the larger family units traditionally found in multifamily developments. The traffic generated by small residential units is anticipated to be less than or equal to the traffic generated by larger family units, in part because total population or population density is not expected to increase. Density unit equivalents would encourage more, smaller units in place of a smaller number of large units, but these smaller units would closely reflect the current occupancy rates of the County's stock of larger units. For example, using the two person per bedroom plus one person

occupancy standard used by the California Department of Fair Employment and Housing and US Department of Housing and Urban Development, a studio is assumed to be occupied by two people and a three-bedroom unit is assumed to be occupied by seven people. Under the density unit equivalent model, three studio apartments would be allowed in place of a three-bedroom unit—six occupants vs. seven occupants. Even assuming that maximum occupancies are reached in each unit size, and that every occupant drives a vehicle, the total number of occupants would be less than the number allowed under the existing density and zoning. Accordingly, there would be no increase in air quality impacts from vehicle emissions.

Similarly, the provisions for cottage housing developments (R1 and R2 districts) are not anticipated to have a significant operational air quality impact because the traffic generated by small units is expected to be equivalent to the traffic generated by a larger single-family home, plus accessory dwelling unit, plus junior accessory dwelling unit that would otherwise be permitted on the same lot. Cottage housing development could not occur on a parcel where such residential development already exists. Population density in a cottage housing development will roughly equal population density in a single-family home. See traffic generation projections under section 16, Transportation and Traffic.

As discussed above, the project would not apply the WH (Workforce Housing) Combining Zone to any parcel at this time. Instead, the proposal would make the WH Combining Zone available, by application and following CEQA review and discretionary approval by the Board of Supervisors, on a parcel-specific basis. The proposal is to make it available by application (and after CEQA review and for parcels in commercial and industrial districts that meet the WH Combining Zone criteria. Any future applications to add the WH (Workforce Housing) Combining Zone to specific parcels would be evaluated on a site-specific basis in response to a specific rezoning application. While the proposal to add the WH Combining Zone to the code will not directly result in any physical change to the environment, one of the considerations for analysis of any future application to place the WH designation on parcels in industrial and commercial areas is the potential to expose people to objectionable odors. This potential impact will be considered on an individual site basis when the WH Combining Zone is proposed to be placed on specific parcels through the rezoning process.

Mitigation: No mitigation needed.

4. BIOLOGICAL RESOURCES

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application.

Future housing projects could be located within the Santa Rosa Plain, an area inhabited by four state and federally listed Endangered vernal pool adapted plant species and designated critical habitat for California tiger salamander (*Ambystoma californiense*, CTS). CTS are associated with

vernal pools and seasonal wetlands as well as upland annual grasslands on the Santa Rosa Plain. CTS is federally listed Endangered and state-listed Threatened. All discretionary projects within the Santa Rosa Plain Conservation Strategy Area are required to submit written documentation from US Fish and Wildlife Service and the California Department of Fish and Wildlife, verifying that any mitigation required for land development and disturbances within the Conservation Area has been satisfied.

However, the potential for future development facilitated by these code changes within the Santa Rosa Plain in critical habitat is limited. Sites in the Airport or the South Santa Rosa area that are eligible for high-density housing subject to the R2 development standards or workforce housing projects are in areas already designated as urbanized within the Conservation Strategy Area. Likewise, development in those areas is further constrained until and unless specific plans and plan EIRs are completed, at which time the effect of development on protected habitat and species will be evaluated.

The Sonoma County General Plan 2020 and the zoning code afford specific protections for riparian corridors and tree protection that apply to all projects. USGS-designated blue-line stream riparian habitats in Sonoma County are protected by the Riparian Corridor Ordinance, and tree protection is provided by the Tree Protection Ordinance and the Valley Oak Habitat Combining Zone. All projects are subject to stream setbacks and tree protection and replacement measures. Evaluation of potential site-specific impacts would be conducted at the time of application for individual housing projects.

Mitigation: No mitigation needed.

5. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x

d) Disturb any human remains, including those interred outside of formal cemeteries?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
<p>Comment:</p> <p>The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application.</p> <p>All discretionary projects are referred to the Northwest Information Center for evaluation of potential archeological, paleontological, and/or historic resources. Where the Center determines potential for paleontological resources or prehistoric, historic, or tribal cultural resources, an archeological and/or historic evaluation are required. Any future housing project that involves ground-disturbing activity would be subject to the standard condition that if paleontological resources or prehistoric, historic, or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify Permit Sonoma staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist, or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to Permit Sonoma. Paleontological resources include fossils of animals, plants, or other organisms. Prehistoric resources include humanly modified stone, shell, or bones; hearths, firepits, obsidian, and chert flaked-stone tools (e.g., projectile points, knives, choppers); midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains); stone-milling equipment, such as mortars and pestles; and certain sites features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.</p> <p>If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify Permit Sonoma and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.</p>				
Mitigation: No mitigation needed.				

6. GEOLOGY AND SOILS

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
ii. Strong seismic ground shaking?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
iii. Seismic-related ground failure, including liquefaction?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
iv. Landslides?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
b) Result in substantial soil erosion or the loss of topsoil?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

(1994), creating substantial risks to life or property?			x	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application.

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. Predicting seismic events is not possible, nor is providing mitigation that can entirely reduce the potential for injury and damage that can occur during a seismic event. However, using accepted geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking and foundation type. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements.

There is a small number of R1 parcels in the Larkfield-Wikiup Hills area in the Alquist-Priolo Earthquake Fault Zone. Development other than single-family homes in this area is unlikely due to state and local regulatory requirements.

All projects are required to obtain grading permits prior to commencement of ground disturbance and therefore, any required earthwork, grading, trenching, backfilling, or compaction operations resulting from any housing project will be done in accordance with the County Subdivision Ordinance (Chapter 25, Sonoma County Code) and erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code) and Building Ordinance (Chapter 7, Sonoma County Code).

All project-related construction activities are subject to the CBC regulations for seismic safety (i.e., reinforcing perimeter and/or load-bearing walls, bracing parapets, etc.) as part of the permitting process. Construction plans shall be subject to review and approval of Permit Sonoma prior to the issuance of a building permit. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

With regard to soil capacity for septic systems, these code changes will only apply in Urban Service Areas, so all future housing projects will be connected to sewer.

Mitigation: No mitigation needed.

7. GREENHOUSE GAS EMISSIONS

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units requiring would be subject to design review and applicable environmental review at the time of application.

Permit Sonoma uses the Bay Area Air Quality Management District (BAAQMD) greenhouse gas (GHG) thresholds to determine the significance of GHG emissions. In addition, the County requires compliance with the General Plan Open Space and Resource Conservation Element Objective OSRC-14.4, which states “reduce GHG emissions by 25 percent below 1990 levels by 2015.” Future housing projects can demonstrate compliance with this General Plan objective by complying with the BAAQMD GHG threshold and implementing mitigation measures that exceed the green building code, including utilizing ultra low-flow fixtures, water-efficient landscaping, greywater and rainwater catchment systems.

These code changes are intended to allow and encourage additional housing within already-established Urban Service Areas. The proposed changes are consistent with and further existing policies related to city and community-centered growth and transit-oriented development, which together are likely to result in lower vehicle miles traveled and greenhouse gas emissions. (See Air Quality, Section 3, above.)

In addition, future development would comply with the then-current Green Buildings Standards Code for improved energy efficiency, water efficiency, material conservation and resource efficiency. As a result, impacts associated with greenhouse gas emissions generated during the operational phase of any future projects are expected to be less than significant.

Mitigation: No mitigation needed.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas of where residences are intermixed with wildlands?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. Any future housing development projects would not involve routine transport, use, or disposal of hazardous materials. Small amounts of potentially hazardous materials such as fuel, lubricants, and cleaning materials could be used in the development of individual projects. Proper use of materials in accordance with local, state, and federal requirements, and as required in the construction documents, will minimize the potential for accidental releases or emissions from hazardous materials. This will assure that the risks of the project uses impacting the human or biological environment will be reduced to a less than significant level.

Any future development project site that has had previous uses involving hazardous materials would be evaluated on a site-specific basis.

Future housing projects of four or more units would be subject to design review and environmental review at the time of application, and the WH (Workforce Housing) Combining Zone would be available only after future discretionary review and approval of a site-specific rezoning application. Future changes to add the WH (Workforce Housing) Combining Zone to specific parcels would be evaluated at the time of the rezone request. One consideration for future WH Combining Zone rezoning applications on parcels in industrial and commercial areas is the potential to expose people to hazards and hazardous materials. This potential will be considered on an individual site basis when and if WH Combining Zone rezoning is requested for any specific parcel.

There are potential sites for both mixed use and workforce housing that could be located within two miles of a public airport. Any housing projects within the vicinity of a public use airport is required by General Plan policy to comply with the standards in the adopted Comprehensive Airport Land Use Plan (CALUP) for Sonoma County. The CALUP limits the allowable density and intensity of development within the airport safety zones and includes requirements that limit hazards, such as height limits and required open space. The Workforce Housing Combining Zone is the one component that could be applied to the industrial and commercial zoned properties within the vicinity of an airport. One of the designation criteria in the Workforce Housing Combining Zone requires that any site to be designated as a Workforce Housing site complies with the density limitations and other requirements of the Comprehensive Airport Land Use Plan for Sonoma County. For these reasons, the potential future Workforce Housing sites would not create a safety hazard.

Portions of Urban Service Areas are within moderate Fire Hazard Severity Zones. Any projects located in any Fire Hazard Severity Zone within State Responsibility Areas, any Local Agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area will be subject to the Wildland-Urban Interface building code. Any future projects proposed under these code changes would be required to incorporate all applicable fire safety requirements. Because the location and design of future projects cannot be known at this time, a further evaluation of potential site-specific impacts would be too speculative to be useful.

Mitigation: No mitigation needed.

9. HYDROLOGY AND WATER QUALITY

Would the project:

a) Violate any water quality standards or waste discharge requirements?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

f) Otherwise substantially degrade water quality?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
g) Place housing within a 100-year hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
j) Inundation by seiche, tsunami, or mudflow?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application.

The Groundwater Sustainability Agencies are currently developing Groundwater Sustainability Plans which must be completed by 2022 and will provide a regulatory framework for managing groundwater use. The County uses a four-tier classification system to indicate general area of groundwater availability: Class 1 = Major Ground Water Basin, Class 2 = Major Natural Recharge Areas, Class 3 = Marginal Groundwater Availability and Class 4 = Low or Highly Variable Water Yield.

These code changes will not substantially deplete groundwater supplies, because all projects will be located in Urban Service Areas where water supplies are provided by public or community water systems, except for the community of Graton. The Graton Urban Service Area does not have a public water system, but is located in a major groundwater basin designated as a Class I Groundwater Availability Area that is not within a Medium or High Priority Groundwater Basin requiring a Groundwater Sustainability Plan.

The updated R3 development standards also require that projects include a Water Conservation Plan that incorporate all best available conservation technologies or measures to reduce water demand to the maximum extent feasible, including use of recycled water, rainwater collection and graywater systems. Landscaping plans must also comply with the Water Efficient Landscape Ordinance. All multifamily housing development projects will be subject to these standards.

Stormwater management using low-impact development guidelines is required for all new development. Future projects will be subject to stormwater treatment Best Management Practices (BMPs) to address potential for water quality impacts and water quantity through stormwater flow control BMPs. Stormwater treatment BMPs shall be designed to treat storm events and associated runoff to the 85th percentile storm event in accordance with County standards. Stormwater treatment BMPs shall be designed to treat storm events and associated runoff to the channel forming discharge storm event which is commonly referred to as the two-year 24-hour storm event.

The location of the stormwater BMPs are site-specific and depend on details of future development. The type and approximate size of the selected stormwater BMPs are in accordance with the adopted Sonoma County Best Management Practice Guide.

The Sonoma County Zoning Code does not allow construction in floodways and requires any construction in a floodplain to have a finished floor at least one foot above base flood elevation.

No tsunami areas are affected by these changes. The proposed ordinance does not apply in the coastal zone.

Mitigation: No mitigation needed.

10. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				x
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Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application.

These code changes do not facilitate projects that would physically divide a community, such as a physical structure (such as a major transportation facility) or removal of a primary access route (such as a road or bridge) that would impair mobility within an established community or between a community and outlying areas.

The proposed changes do not conflict with the County's General Plan 2020 any specific or area plan or policy and require consistency with the policies and criteria of the general plan and any applicable specific or area plan, as further discussed above in the project description.

The code changes are intended to allow and encourage additional housing within already-established Urban Service Areas, and apply only to parcels in Urban Service Areas in the unincorporated area of the County. Development in Urban Service Areas was previously evaluated in the Environmental Impact Report for Sonoma County's General Plan 2020. The proposed changes are not expected to result in environmental impacts that exceed those previously analyzed. In particular, the General Plan estimated that the number of housing units in the County would grow by 221,640 housing units through 2020; the nine cities would accommodate 70 percent of those units, while the unincorporated area would accommodate about 30 percent.

The project would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating an environmental effect, including in the Sonoma County General Plan, applicable specific plans, and zoning ordinance. Specifically:

- The Comprehensive Airport Land Use Plan limits residential densities in the 8th Street East area of the Sonoma Valley Urban Service Area.
- The Airport Industrial Area Specific Plan does not permit residential development, so housing in this area would not be permitted unless and until the new Airport Area Specific Plan and environmental impact report are adopted.
- Parcels in the Santa Rosa Urban Service Area may be governed by the City of Santa Rosa's General Plan, which limits development in the area east of Santa Rosa Avenue and north of Todd Road, and the County's South Santa Rosa Area Plan.
- The Springs Specific Plan is currently underway and may increase allowable residential densities near employment and transit in the Sonoma Valley Urban Service Area.

Furthermore, with regard to the WH combining zone, the rezoning must be found to be consistent with any underlying area or specific plan, and many parcels that might be eligible for the combining zone are in areas governed by the plans discussed above that would not allow any residential development or higher-density residential development.

These code changes do not make any changes to land use designation, and do not provide for any new land uses.
Mitigation: No mitigation needed.

11. MINERAL RESOURCES

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
Comment:				
These code changes apply only to housing projects to be located within designated urban areas. No parcels with the MR (Mineral Resources) Combining Zone designation would be affected.				
Mitigation: No mitigation needed.				

12. NOISE

Would the project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application.

The Noise Element of the Sonoma County General Plan sets forth and requires standard compliance with noise related performance standards to regulate noise affecting residential and other sensitive receptors. Housing projects are noise sensitive rather than noise-generating, and the types of projects facilitated by these code changes would not be expected to result in excessive noise generation.

The changes to the R3 development standards and the cottage housing development ordinance are not expected to expose persons to noise levels in excess of County standards. The Workforce Housing (WH) Combining Zone is proposed to allow housing in existing industrial or commercial areas, so workforce housing projects could expose residents to noise levels higher than those typical of residential zoning districts. However, the WH designation would not be allowed in heavy industrial zoning districts—only those where limited commercial and industrial uses are allowed. Further, the WH designation may not be placed on parcels near incompatible land uses or land zoned to allow future heavy industrial uses. Parcels will be evaluated for suitability based on criteria set forth in the proposed ordinance at the time an application for rezoning is submitted, and noise impacts will be considered on a site-by-site basis at that time.

All projects in areas surrounding any public airport will be subject to environmental review and the potential for noise impacts and will be evaluated at that time.
Mitigation: No mitigation needed.

13. POPULATION AND HOUSING

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application.

These code changes are intended to allow and encourage additional housing within already-established Urban Service Areas, directing growth to already-established communities with services, rather than in undeveloped rural areas and community separators. Development in Urban Service Areas was previously evaluated in the Environmental Impact Report for Sonoma County's General Plan 2020, and the proposed changes are not expected to result in environmental impacts that exceed those previously analyzed. In particular, the General Plan estimated that the number of housing units in the County would grow by 221,640 housing units through 2020; the nine cities would accommodate 70 percent of those units, while the unincorporated area would accommodate about 30 percent.

The proposed changes follow city and community-centered growth policies and encourage transit-oriented development and would therefore not require extension of roads.

<p>Total population or population density is not expected to increase based on the use of the density unit equivalent model proposed in the changes to the R3 zoning district regulations. Density unit equivalents would encourage and allow more, smaller units in place of a smaller number of large units, but these smaller units would more closely reflect the actual numbers of occupants of these types of units. Using the two person per bedroom plus one occupancy standard (used by the California Department of Fair Employment and Housing and US Department of Housing and Urban Development), a studio would be occupied by two people and a three-bedroom unit could be occupied by seven people. Under the density unit equivalent model, three studio apartments would be allowed in place of a three-bedroom unit—six occupants vs. seven occupants. The use of density units is likely to result in lower numbers of people in a development than a typical development with the same General Plan density without using the density unit equivalent.</p>
<p>Mitigation: No mitigation needed.</p>

14. PUBLIC SERVICES

Would the project:

<p>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
<p>i. Fire protection?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
<p>ii. Police?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
<p>iii. Schools, parks, or other public facilities?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x

iv. Parks?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
v. Other public facilities?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
Comments: These code changes are intended to allow and encourage additional housing within already-established Urban Service Areas, and would not increase population over that allowed currently (see discussion above in section 13).				
Mitigation: No mitigation needed.				

15. RECREATION

Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
Comments: These code changes are intended to allow and encourage additional housing within already-established Urban Service Areas, and would not increase population over that allowed currently (see discussion above in section 13).				
Mitigation: No mitigation needed.				

16. TRANSPORTATION/TRAFFIC

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
e) Result in inadequate emergency access?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

g) Result in inadequate parking capacity?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

Comments:

The adoption of these code changes will not, in and of itself, result in any physical change to the environment. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application. The general location of anticipated future development is discussed in the project description above, although the location, design, and spatial distribution of future projects cannot be known at this time, and detailed evaluation of potential site-specific impacts would be speculative. However, below is an analysis of the potential for traffic impacts associated with the proposed code changes.

Cottage Housing Developments. Currently, a single-family lot may contain a single-family dwelling of unspecified size; an accessory dwelling unit of up to 1,200 square feet; and a junior accessory dwelling unit of not more than 500 square feet. The calculated average daily trips (ADT) for this scenario is 9.44 for the single-family home; 7.55 for the accessory dwelling unit; and (assumed) 5.0 for the junior accessory dwelling unit, for a total of 21.99 ADT for the single-family lot (Institute of Transportation Engineers Trip Generation, 8th edition).

The proposed cottage housing development provisions would allow for three small cottages (900 square feet each) on the same lot, in place of the scenario above. The calculated ADT for a cottage housing development of three cottages would be 3 x 7.55, for a total of 22.65 ADT for that lot. This ADT is similar to the currently allowed units on a single-family parcel.

No increase in traffic will result from this code change for a cottage housing development of three units, compared to what is currently allowed. A cottage housing development proposal for four or more units would be subject to a use permit, and traffic impacts would be further evaluated at that time.

Density Unit Equivalents. Future utilization of the density unit equivalents proposed as part of the changes to the multifamily development standards is not anticipated to have an air quality impact greater than the larger family units, as discussed above in Section 3, Air Quality. The traffic generated by small residential units is anticipated to be less than or equal to the traffic generated by larger family units, because total population or population density is not expected to increase. Density unit equivalents would encourage more, smaller units in place of a smaller number of large units, but these smaller units would closely reflect the current occupancy rates of the County's stock of larger units (see Section 3). Even assuming that maximum occupancies are reached in each unit size, and that every occupant drives a vehicle, the total number of occupants would be less than the number allowed under the existing density and zoning. Accordingly, there would be no increase in traffic impacts from increased vehicle trips.

Workforce Housing. The future addition of the WH Combining Zone to specific parcels would require a rezoning, and would be evaluated on a site-specific basis at the time of the rezone request. While changes to add the WH Combining Zone to the code will not result in any physical change to the environment, when the Combining Zone is placed on parcels, it will have the potential to affect traffic patterns and potentially trip distribution.

The addition of the WH Combining Zone as an option for commercial or industrial parcels would add the potential for a workforce housing project, but also still allows commercial or industrial development. The ITE (Institute of Traffic Engineers) trip generation rates for multi-family housing

at a density of 20 units per acre are about the same as 20,000 square feet of light industrial per acre, and are significantly less than the traffic generation rate for an acre of general retail development. Therefore vehicle trips are not expected to increase as a result of the WH Zone. In fact, adoption and use of the WH combining zone is expected to reduce overall vehicle miles traveled (VMTs) due to their proximity to jobs and transit.

Article 86 (Required Parking) of Chapter 26 of the Sonoma County Code outlines parking requirements for all land uses. The proposed code changes do not decrease minimum parking requirements for any project type. For cottage housing developments, the parking requirements (one space per unit plus one guest parking space) are higher than the current requirements for a single-family home (one space required), an accessory dwelling unit (one space), and a junior accessory dwelling unit (no parking spaces required).

Mitigation: No mitigation needed.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			x	

adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			x	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
g) Comply with federal, state, and local statutes and regulations related to solid waste?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
<p>Comments:</p> <p>These code changes are intended to allow and encourage additional housing within already-established Urban Service Areas, and would not increase population over that currently allowed by the General Plan (see discussion above in section 13). There are 12 urban service areas in the unincorporated county, served by a total of 22 wastewater management and water service providers that are not under the jurisdiction of the County of Sonoma. Each unincorporated community and each sewer or water system is unique in terms of size, geography, topography, water sources, age and condition of lines and equipment, and rate structure. Some sewer or water systems in the unincorporated county have existing treatment facilities or water supplies that are adequate to serve growth at buildout of the 2020 General Plan; some do not. It is not always feasible for service providers to plan, finance, and build facilities with substantial unused capacity long before it is needed.</p>				
Mitigation: No mitigation needed.				

18. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				x
<p>Comments:</p> <p>The adoption of these code changes will not, in and of itself, result in any physical change to the environment. The parcel location and specifics of any future projects enabled by these code changes cannot be known at this time. The general location of anticipated future development is discussed in the project description above. Future housing projects of four or more units would be subject to design review and applicable environmental review at the time of application.</p> <p>Considered together, these code changes are expected to have a net positive impact on the environment. The intent is to allow and encourage additional housing within already-established Urban Service Areas, directing growth in areas with public services rather than within rural areas and community separators. The proposed changes are therefore consistent with and further city and community-centered growth policies set forth in the General Plan and transit-oriented development principles, which together are likely to result in lower vehicle miles traveled and therefore lower greenhouse gas emissions and no extension of roads. By locating housing projects in Urban Service Areas, the effect on wastewater facilities and groundwater resources will be minimized. The code changes will encourage development in areas designated for development and therefore protect open space and community separators, and they reinforce already-established communities.</p>				
Mitigation: No mitigation needed.				



COUNTY OF SONOMA AIRPORT LAND USE COMMISSION

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

MEMO

Date: October 2, 2018
To: Jane Riley, Permit Sonoma Comprehensive Planning Manager
From: Gary Helfrich, ALUC Staff
Subject: Proposed County ordinance to expand housing opportunities

The County of Sonoma Permit and Resource Management Department has proposed Zoning Code changes intended to simplify development standards, adopt a density unit equivalent model to encourage smaller housing units, establish a new type of missing middle housing (cottage housing developments), and establish a new Workforce Housing Combining Zone. These proposed changes will:

- Simplify development standards for multi-family housing projects;
- Allow use of a new density unit equivalent concept to encourage more, smaller rental units;
- Encourage higher density development within Urban Service Areas near jobs and transit, as provided in the General Plan, through provision of a new Workforce Housing Combining Zone;
- Establish a new housing type, Cottage Housing Developments, in Urban Service Areas zoned for low- and medium-density residential uses; and
- Codify the existing condominium conversion policy and provide better protections for mobile home owners and renters within mobile home parks.

If adopted, the proposed ordinance will be applied countywide and includes properties within the airport influence area of the six public use airports in the county. As required by Public Utilities Code Section 21676 (b), Permit Sonoma has referred the draft ordinance to ALUC for review and determination of consistency with Sonoma County Comprehensive Airport Land Use Plan (CALUP) policies and standards. Staff has reviewed the proposed ordinance and finds that it is consistent with the CALUP based on the following findings:

1) Airspace protection: As drafted, the proposed ordinance would not have any foreseeable impact which would result in land uses or structures which penetrate the protected airspace around the County or exceed the height limits established in accordance with Part 77, Subpart C, of the Federal Aviation Regulations.

2) Noise exposure: The proposed ordinance does not provide exceptions to CALUP policies requiring noise-attenuation construction and recording an aviation easement for residential construction within airport noise contours, and is consistent with CALUP noise exposure policy and standards.

3) Population Density Standards: Table 8B of the CALUP sets forth criteria indicating what density levels are considered acceptable within different airport safety zones. Of the 1,055 parcels that meet the basic criteria for inclusion in the Workforce Housing Combining Zone, approximately 200 are within CALUP protection zones that either prohibit or severely restrict residential development. To maintain consistency with CALUP population density standards, the proposed ordinance will not allow rezoning of parcels that would result in development that is inconsistent with CALUP policy and standards.

4) Open Space Retention: Table 8B of the CALUP sets forth criteria indicating what percentage of the land area in each compatibility zone should be devoted to functional open space. As rezoning under the proposed ordinance must be found to be consistent with underlying area or specific plans, including the CALUP, the proposed ordinance has no foreseeable affect or impact related to open space retention.

5) CALUP Land use Restrictions: Table 8B of the CALUP sets forth the land use restrictions in each airport safety zone. As noted in (3) and (4) above, rezoning under the proposed ordinance must be consistent with CALUP policy and standards and considered compatible with CALUP land use restrictions.

STAFF RECOMMENDATION TO ALUC: Find that the proposed ordinance does not conflict with the CALUP's airport compatibility criteria related to potential to exceed maximum density levels and pass the attached Resolution, finding the project consistent with the CALUP.

Zoning Code Changes to Expand Housing Opportunities

ORD18-0006

October 23, 2018

Attachment E

Figures 1, 2, and 6: Maps showing concentrations of vacant parcels eligible for the proposed:

- 1. Revised multi-family development standards,**
- 2. Workforce Housing Combining District; and**
- 3. Cottage housing developments.**

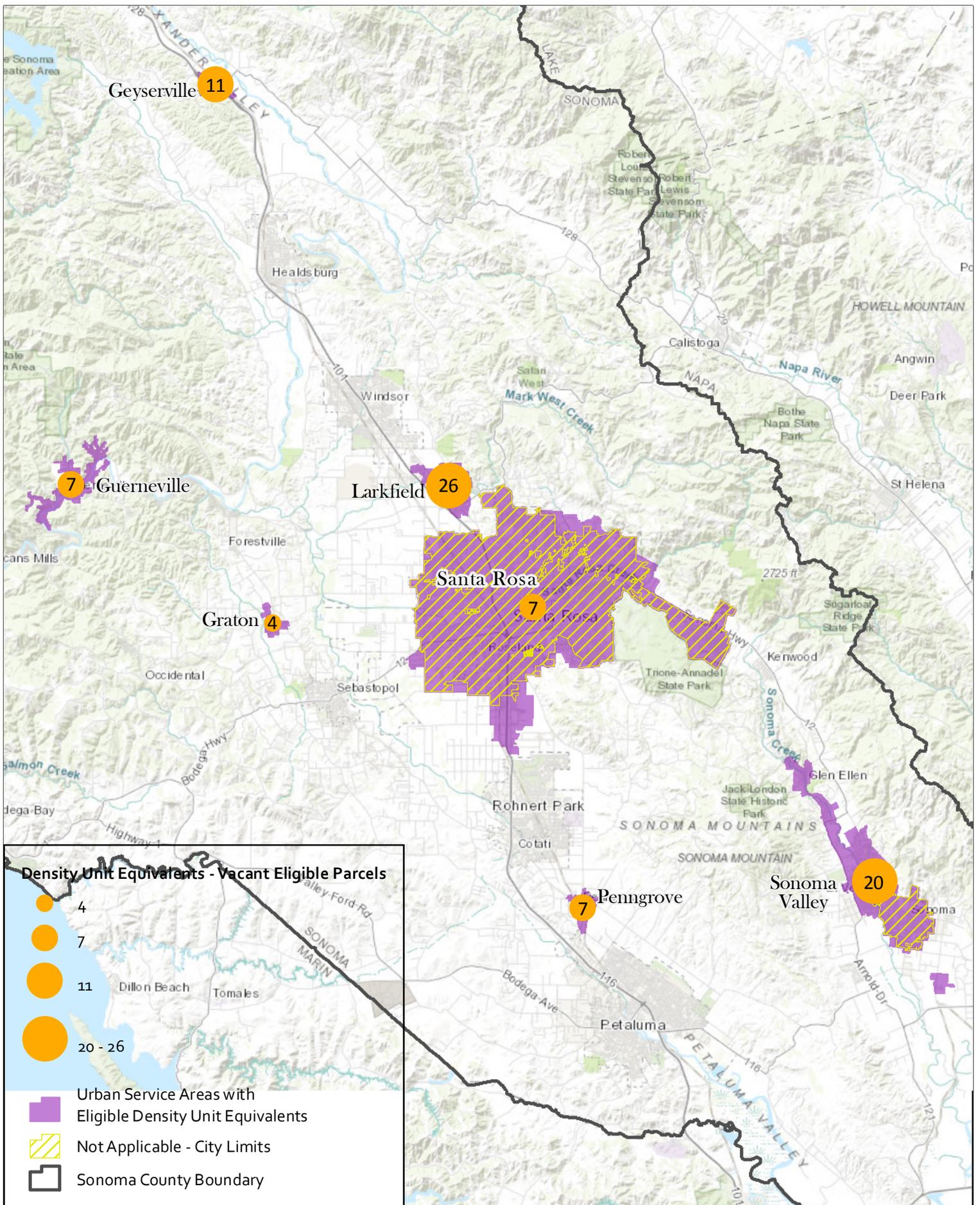


Fig. 1: Multi-Family Development Standards Eligible Vacant Parcels



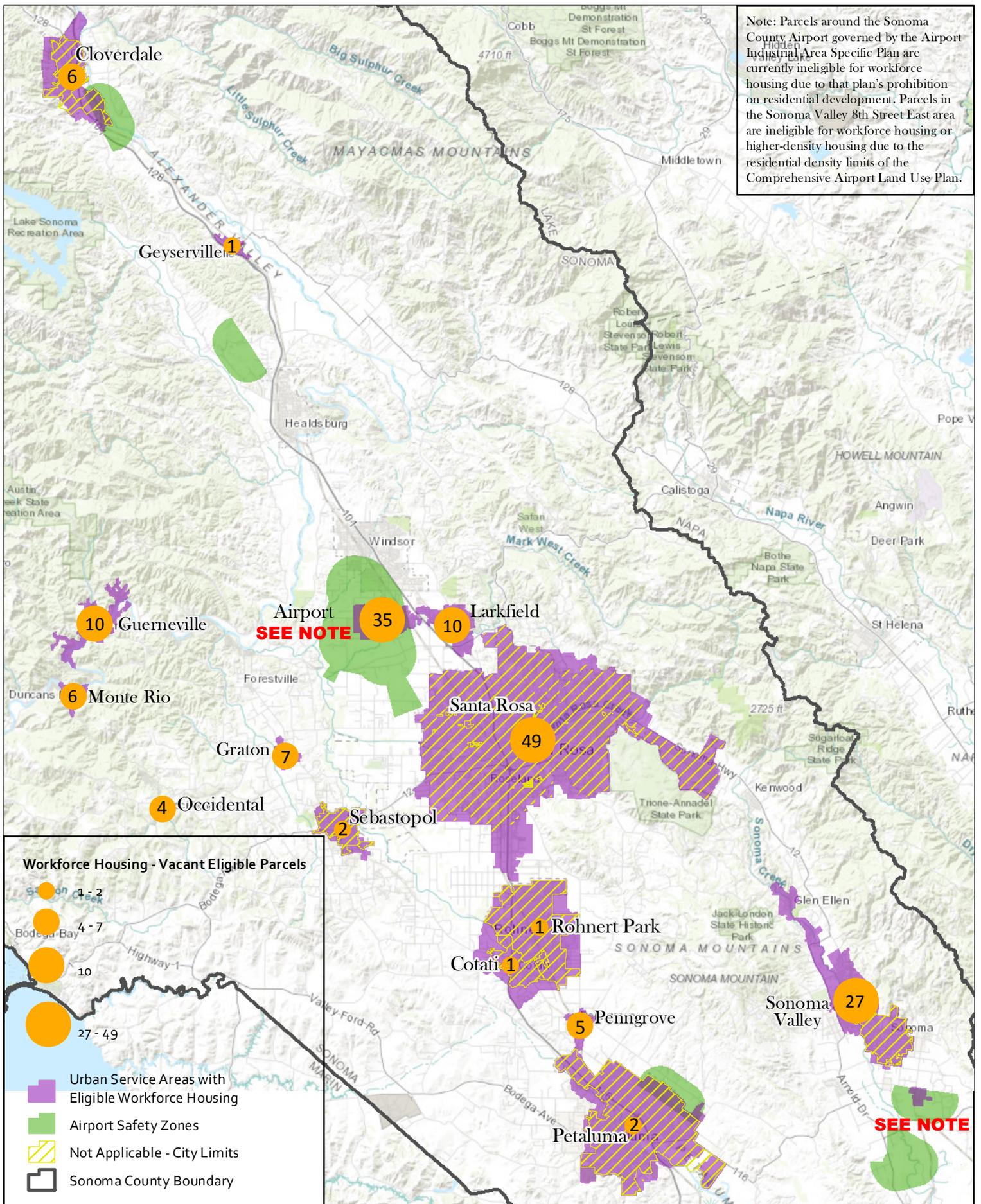


Fig. 2: Workforce Housing Combining District Eligible Vacant Parcels

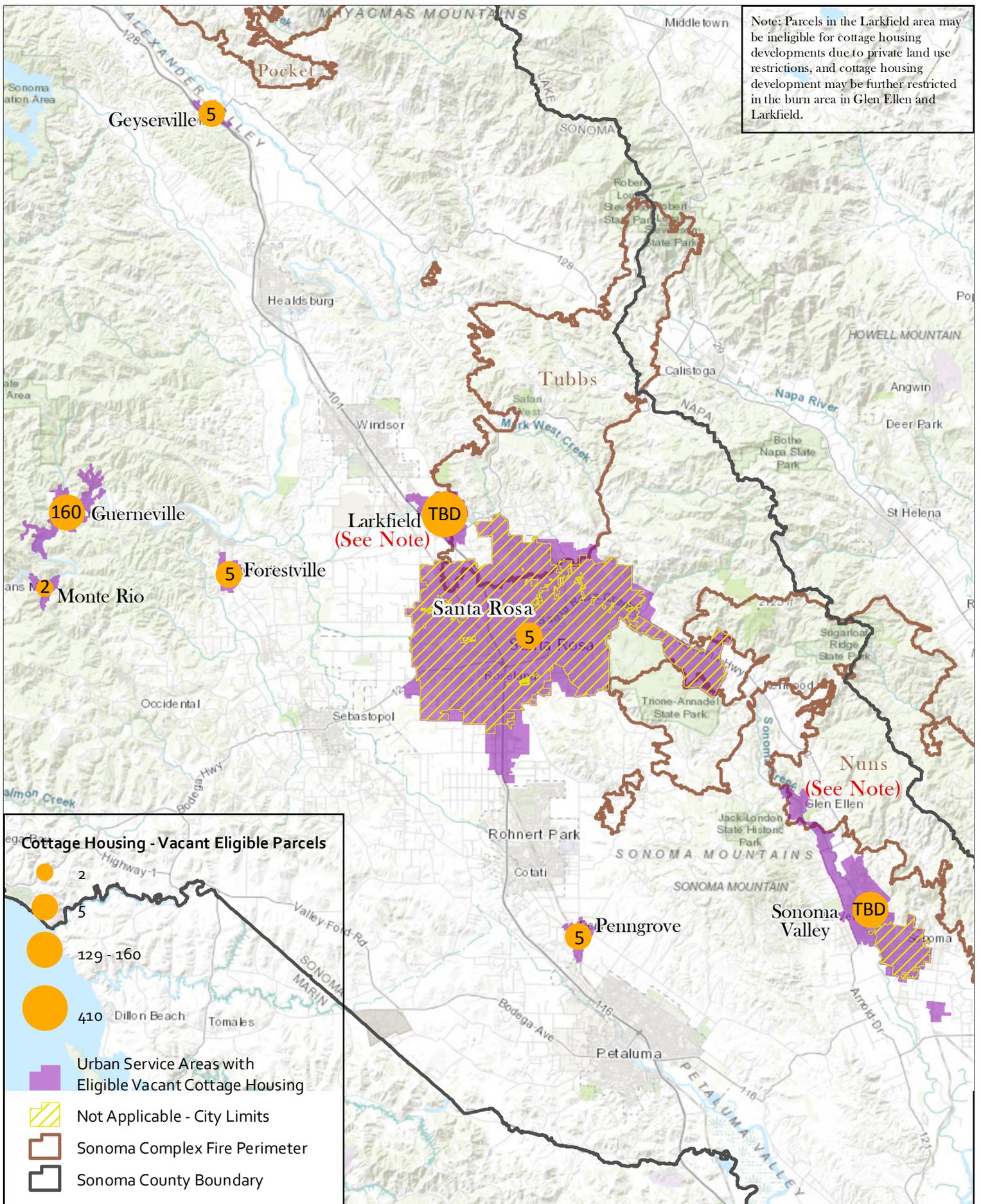


Fig. 6: Cottage Housing Developments
Eligible Vacant Parcels





County of Sonoma
Permit & Resource Management Department
Date:

Sonoma County Planning Commission
DRAFT MINUTES

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

Date: August 30, 2018
Meeting No.: 18-10

ROLL CALL

Greg Carr
Todd Tamura
Komron Shahhosseini
Ariel Kelley
Pamela Davis, Chair

STAFF MEMBERS

Jennifer Barrett
Jane Riley
Arielle Kohn, Secretary
Christa Shaw, Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance.

Correspondence

Planning Commission/Board of Zoning Adjustments/Board of Supervisors Actions

Commissioner Announcements/Disclosures - Commissioner Tamura spoke with Jane Riley and also met with a person regarding using their home as a vacation rental.

Commissioner Kelley spoke with Greenbelt Alliance and by email with Jane Riley.

Commissioner Carr spoke with Terry Shore from Greenbelt Alliance.

Public Appearances.

PLANNING COMMISSION REGULAR CALENDAR

Item No.: 1
Time: 1:05 pm
File: PLP16-0011
Applicant: County of Sonoma
Cont. from: July 12, 2018
Staff: Amy Lyle
Env. Doc: Exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, title 14, §§ 15301 (existing facilities), 15305 (minor alterations in land use limitations) and 15061(b)(3) (exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment).
Proposal: Amend the zoning code to allow hosted rentals, agricultural farmstays and marketing accommodations in the three agricultural zones (LIA, LEA, and DA). Do not amend the General Plan to allow vacation rentals, but allow existing permitted vacation rentals to be recognized and run with the land with a minor use permit.
Location: Countywide
APNs: Various

District: ALL
Zoning: LIA, LEA and DA

**THIS ITEM (PLP16-0011) WAS CONTINUED TO
SEPTEMBER 6, 2018 AT OR AFTER 1:05 PM**

Item No.: 2
Time: 1:05 pm
File: ORD18-0006
Applicant: County of Sonoma
Cont. from: N/A
Staff: Jane Riley
Env. Doc: Negative Declaration
Proposal: Revisions to the Sonoma County Code to expand opportunities for housing by adopting allowances for new housing types, simplifying development standards, and better preserving existing rental housing and mobile home parks.
Location: Countywide, excluding coastal zone
APNS: Various
District: ALL
Zoning: Multiple urban zoning designations

Jane Riley summarized the staff report and introduced her team. Mapping and Policy Options were presented by **Nina Bellucci**. **Shelly Bianchi-Williamson** assisted with map presentation.

Questions from Commissioners

Commissioner Carr asked if comparable data had been obtained from other jurisdictions regarding the density bonus equivalent. **Staff Riley** stated that San Luis Obispo has a similar policy that has been successful, but uses a lower housing cost baseline and encourages more apartments and rental housing. **Commissioner Carr** asked if any outreach to cities had been done. **Staff Riley** indicated that cities were notified. Santa Rosa is aware of the proposal and have reviewed it. City of Sonoma has not responded. They seem to be waiting to see what happens at the County level. **Commissioner Carr** added that he would like to see the cities take a lead and in Workforce Housing the South Santa Rosa area needs to be discussed. Commissioner Carr expressed concern about CEQA comments that were received.

Commissioner Davis asked about Chris Barney's letter regarding VMT (vehicle miles traveled). **Deputy Director Barrett** stated that VMT is how we evaluate traffic impacts. Staff is not there yet for this project – the entire traffic model would need revamping. Many traffic studies show that when you have residential near jobs, the vehicle traveled miles will go down. Basically, that's what Chris (from the letter) is saying. Staff is doing model calibration. **Commissioner Shahhosseini** added that there is only little over a year left to modify these standards. **Deputy Director Barrett** commented that a lot of jurisdictions are trying to figure this out. It needs to be coordinated with all of the communities and it is a daunting task.

Commissioner Carr asked the question about the baseline and the impact analysis and expressed concern about what standard is being used. We really don't know how many units are going to go into the Urban Service Area. It seems estimates could be made – particularly in the cottage housing. Urban Service Area analysis is needed. Will there be fees for sewer capacity? These questions make it difficult for him. **Staff Riley** commented that staff is struggling with the same thing. We don't know exactly, what will happen, where, or what information to use. When the commission provides policy direction it will help us to frame the project description and provide more clarification getting closer to a real perspective.

Deputy Director Barrett stated that Commissioner Carr is right about the CEQA issue of what exists today vs. what is proposed, and the Cottage housing would create more variety. The sewer flow issue is a good point. Staff Riley added that if fees don't come down, housing is not going to be built. Permit Sonoma collects fees for

other agencies. There is a county wide fee study. Fees are a very important part about this. Water Agency working on this with us.

Commissioner Kelley asked whether cottage housing would be allowed in burn areas or not. **Staff Riley** commented that cottage housing would supplement housing in established single family neighborhoods. The fire caused entire neighborhoods to be lost which generated concern that neighborhoods would lose the single family home quality. Staff included a policy option to not allow them until the housing lost in the fire is built again.

Commissioner Kelley asked if consideration had been given to extending stays in RV parks. People have been living year round in RVs, tinkering on the edge of homelessness if they can't reside in RV parks. **Staff Riley** stated that there are laws regarding year round occupancy in mobile homes that are not intended for RV parks, so they were not included in this package. This is something that we could look at down the line, but would delay the item if added at the present time.

Public Hearing Opened 2:25 p.m.

Speakers

Walter Kieser, Geyserville, supported the proposal, which will support the Housing Element objectives in a positive way. The Housing Element began as an attempt to promote city centered growth. There is a housing problem which is on the verge of changing the social fabric of Sonoma County, and it is scary to see what is happening. The county has a responsibility to focus on big picture to build housing and not get stuck on details. The County is taking a lead for other jurisdictions and needs to focus on producing more housing in Sonoma County.

Daisy Damskey, President Geyserville Planning Committee, expressed support; but wanted to look at the micro, not the macro. Since 1983, Geyserville has their own planning committee. They want to be able to generate their own ideas about what we need in their community. Their commercial attributes would be outweighed considerably based on the presentation. Their community would be off-balance with the proposed rules. People don't want more than 2 stories, they want trees and parks. They want a closer proximity of work to home sites. They want to support community and economic generation in their own town. The macro can impact mass and quality of life.

Teri Shore, Greenbelt Alliance, submitted written comments that provided a lot of detail. She reviewed the main issues that she feels need to be reviewed. The fire recovery is underway, and there are close to 21,000 permits in the pipeline between the cities and counties. We have moved out of the immediate crisis, and now we can look forward. Shore opposed short term decisions that do not include environmental review and expressed concern about potential impacts on the urban growth boundaries. These new measures are better placed within the General Plan update since they impact so many things.

More detail is needed as to the number of parcels involved. Ms. Shore stated that the staff report did not include affordability options and it was unclear how many parcels that the new policies would affect, and whether they include vacant parcels or existing parcels with services.

If commercial and industrial lands are going to be converted, more details are needed there.

Since the County is a lead agency which the other jurisdictions will follow, we need to make sure that the details are covered. Cities also need to be involved – especially in light of the impact on urban service and urban growth boundaries. Include Geyserville and the Springs as well as all the jurisdictions.

Commissioner Davis asked about the affordability issue. **Staff Riley** indicated that affordability requirement would remain the same as for anything that is proposed. Staff was not proposing to limit development to vacant parcels. This issue was brought up to respond to requests on how this would affect different communities. This would be reviewed in analysis.

Deborah Nitisaka, SC Housing Advocacy Group, Glen Ellen Burn Zone, thanked staff and expressed gratitude for the emphasis for mobile home housing and condo conversion, which has been a stressful issue for

older folks, lower income families, etc. She expressed concern about developing housing in airport areas because of what that will do to the community. This could eliminate the potential for job growth and quality of life for those living near the Airport. She was not sure about the burn exemption.

Dee Swanhuysen, Sebastopol, expressed concern about increasing housing and people in wildfire hazard zones. We have responsibility to do what we can to prevent fires in fire hazard zones. She expressed concern that CEQA needs to be evaluated to include emergency response to help us understand the impacts. She is sticking with safety of the community, the land, soils, and the forests.

Jean Kopolchok, Santa Rosa, commented that the proposed changes were well thought out. She suggested broadening the workforce housing district within certain zoning districts that would increase housing affordability. In the LC and PF districts, for example, the intention is to create workforce in relationship to workforce centers, and staff could consider adding more retail uses. This would create a work zone. Kopolchok supported expansion on the types of uses in zones which would double the affordability. If there were concerns about compatibility, a use permit could be required.

Deputy Director Barrett stated that the LC zone is not a combining zone, and staff is not limiting the uses. The PF zone, is a little different, and she did not know if staff could go there with the current analysis we have done. These are public service zones.

Shelley Clark, Legal Aid of Sonoma County, echoed concerns of affordability. Workforce housing needs to be close to schools, stores, work and housing needs to be close to amenities in the communities. The Mobile Home ordinance needs to be looked at. We need to give security to mobile home owners. The staff report needs clarification regarding rental of mobile homes vs. parking spaces. **Staff Riley** stated we have the ordinance specifically in place for renters – not parks renting out spaces, and staff will take a look at this and clarify it.

Efren Carrillo, Santa Rosa, thanked staff for bringing the recommendations forward and said it is a step in the right direction to address the housing crisis. Housing is a prime priority. Staff has done this in a very thoughtful way. There is enough detail now. We see the challenges daily. It starts at the local government model. Carrillo represents Burbank Housing, who currently have no projects. The fire storm, took out 5,000 housing units, and Burbank is not in construction on any project. The need for affordable housing was already there, the need is growing by the minute. The need is not going away. We need to look at the actual number of houses being constructed. Carrillo recommended approval of the recommendations. He encouraged the commission to approve the proposal.

Karilee Shames, Sebastopol, represents mobile home owners, and is Secretary Santa Rosa Mobile Home Association, stated that they had been asked for input. Park owners call them renters, but they own their homes. They bought into this community, and in this sense they need protection.

Bryce Jones, Cloverdale, Geyserville Planning Committee member, hears over and over whether people are renters or owners. He is a renter, and they are becoming scarce. The proposals will help with the housing inventory in the housing market. Most will be rental units. That is something beneficial to the community. In Geyserville housing is limited housing and rental pricing is going up. The diversity is changing, and young people are moving out of the area. People applying for Mixed Use Permits which is good. It is an important component to our community. This is good for property owners, seniors, and having the availability for these extra units offers stability. Property values will increase – which is an impact on all residents. Geyserville is an active community. The community would like to be involved with this issue.

David Petritz, Santa Rosa, thanked staff. He expressed concern about fires. Having experienced the Fountain Grove fire, he questions that encouraging greater density could be a problem. Do we really want to get into more density, traffic, and need for emergency and safety concerns? Regarding the Airport area, staff should coordinate with other agencies to make sure that there is no negative impact on the airport for our future as a community. Mr. Petritz encouraged staff to consider how easy you want to make it for areas to be subject to fire interface.

Public Hearing Closed: 3:10 p.m.

Commission discussion on policy options

Density Unit Equivalents:

Commissioner Carr expressed concern about the Negative Declaration. This could cause problems in the future, although we can go forward with density equivalent now. **Commissioner Tamura** concurred.

Commissioner Shahhosseini commented that he was concerned about flexibility. The market will dictate what it wants you to build. This may narrow our options, and might be too specific. We want affordable units; however, people will still build what is marketable, regardless.

Commissioner Kelley stated she doesn't want to see the disincentive on the 3 bedrooms. There is a need for that. We don't want to punish those. I like what we have. I don't want it to change in that direction.

Straw Vote: Commissioner Tamura moved, and **Commissioner Kelley** seconded, to approve staff recommendation Option 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Workforce Housing - Where should be allowed.

Commissioner Carr expressed concern about not having a more rigorous look at the housing in Design Review because it does not look at underlying land issues. **Deputy Director Barrett** commented that we look at the appropriate use of land before a project goes to Design Review.

Commissioner Kelley supported Option 1, but expressed concern about Option 2 due possible hazardous materials uses in certain zones.

Commissioner Shahhosseini expressed concern that when approved housing becomes established it can cause problems for commercial uses nearby, He has seen that happen and it should be avoided.

Commissioner Davis concurred that we need to make sure that we have compatible uses in these new areas.

Commissioner Carr moved, and **Commissioner Tamura** seconded to approve staff recommendation Option 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Policy Option for workforce housing – Proximity to Employment Center or Transit

Commissioner Kelley asked how staff arrived at the 3 acres and 10 acres statement in Option 2. **Deputy Director Barrett** indicated that they took the workforce housing fee study, which had had jobs-per-acre amounts, and took that and figure and calculated jobs-per-acre, which resulted in 3 acres of commercial or 10 acres of industrial.

Straw Vote: Commissioner Kelley moved, and **Commissioner Shahhosseini** seconded to approve Option 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Policy Option: Workforce Housing – Unit Size

Commissioner Carr supported anything that adds more units and supported Option 3.

Commissioner Shahhosseini stated that the market will dictate what to build. As time goes on, it costs more to build, and more money is needed to build. We should not over-regulate this where these homes are just going to sit there. He supported Option 1.

Commissioner Kelley supported staff recommendation of Option 1 and 2 and say problems with Options 3 and

Commissioner Davis supported Options 1 and 2 and asked about affordable housing requirements. **Staff Riley** commented that they have met with for-profit and non-profit contractors.

Straw Vote: Commissioner Kelley moved, and **Commissioner Tamura** seconded to approve staff recommended Options 1 and 2. This motion failed. A second motion was made by **Commissioner Kelley** and seconded by **Commissioner Tamura** to approve Option 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Policy Option - Workforce Housing Combining Zone – Allowable Density

Staff Riley indicated that staff recommends Option 1 because that density is the one that has been working. Density bonuses can be applied, and staff wanted to set the density a bit lower. If not done here, there would need to be a deed restrictive affordable units.

Straw Vote: Commissioner Tamura moved, and **Commissioner Shahhosseini** seconded to approve staff recommended Options 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Policy Option: Cottage Housing Developments – Location and Zoning

Commissioner Davis asked to review the map of those areas again. **Staff Riley** reviewed the maps again and stated that this is complicated, and the commission was not restricted to choosing the policy options with what is before them. They can recommend other options.

Commissioner Carr expressed reluctance to approve until more research is done. While in favor of putting some variety into our suburban areas, it is a big pill to swallow. We need to be careful where happens, but we need to look at it. **Staff Riley** stated that staff can do more analysis, and it would be helpful to walk through the policy options, to see what further clarification and refinement we can make.

Commissioner Davis asked about responses from the ADU and JADU permit holders. **Staff Riley** commented that the response has been good. Although both an ADU and JADUs are allowed on the same property, not many have applied. **Commissioner Davis** wanted more CEQA analysis.

Commissioner Carr remarked that Option 1 has the broadest application and include the burn areas. **Commissioner Davis** expressed concern about that. **Commissioner Kelley** wondered why there was a 3 unit limit before requiring a conditional use permit. **Staff Riley** stated that the was rationale was to try to match what was an average in an R1 zone, which is 2700 sq. ft. **Deputy Director Barrett** commented that neighbors would be notified and that parcels are being sold. It would give staff the option to look at each project case by case. **Staff Riley** added that there are several communities with CC & Rs which limit the number of units. **Commissioner Tamura** did not want to keep delaying in the process, and thought Option 1 could be modified at a later date. **Commissioner Carr** thought the cottage issue should come back separately to the Planning Commission.

Straw Vote: Commissioner Kelley motioned, and **Commissioner Tamura** seconded, to approve Option 1 with modifications to include radius evaluations to prevent overconcentration in burn areas. The motion passed with a 3-2 vote.

Commissioner Carr	No
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	No

Ayes: 3
Noes: 2
Absent: 0
Abstain: 0

Policy Option - Cottage Housing Developments – Minimum Parcel Size and Density

Staff Riley clarified the options regarding parcel size

Commissioner Shahhosseini asked what makes it a cottage. **Staff Riley** answered that it is small with shared public space and amenities and it is on a shared lot. There is common space but no individual yards. Parking is supposed to be clustered.

Commissioner Tamura supported Option 2. **Commissioner Carr** agreed but expressed concern about impacts to traffic, sewer and water.

Straw Vote: Commissioner Tamura motioned and **Commissioner Shahhosseini** seconded to approve Option 2. The motion passed with a 5-0 vote.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

Straw Vote: Protection for Renters in Mobile Home Parks. **Commissioner Carr** motioned, and **Commissioner Shahhosseini** seconded, to approve the staff recommendation, Option 2. After discussion, the motion was revised with language added to clarify rentals vs, ownership and include RV parks. The motion passed with a 5-0 vote.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

Policy Option: Condominium Conversions

Straw Vote: Condominium Conversions. **Commissioner Carr** motioned, and **Commissioner Tamura** seconded, to approve the staff recommendation. The motion passed with a 5-0 vote.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

For the final vote, **Commissioner Davis** asked to separate cottage housing from the motion. That way the items that the commission were comfortable with can be moved forward.

Commissioner Tamura amended his motion to approve the package but extricate the cottage housing portion of the package. **Commissioner Shahhosseini** seconded.

Action: **Commissioner Tamura** motioned to recommend approval of the housing package with minor modifications. Seconded by **Commissioner Shahhosseini** and passed with a 5-0-0 vote. **Commissioner Tamura** made a second motion to approve cottage housing provisions to go forward with minor modifications. Seconded by **Commissioner Shahhosseini** and passed with a 3-2-0 vote.

Appeal Deadline: N/A

Resolution No.: 18-014

1st Vote:

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

2nd Vote:

Commissioner Carr	No
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	No

Ayes: 3

Noes: 2

Absent: 0

Abstain: 0

**Zoning Code Changes to Expand Housing
Opportunities**

ORD18-0006

October 23, 2018

**Attachment G
Public Input Received
To Date**

Nina Bellucci

From: Lois Fisher <lois@fishertowndesign.com>
Sent: Wednesday, October 10, 2018 12:41 PM
To: Nina Bellucci
Cc: Jane Riley; Jennifer Barrett
Subject: RE: Sonoma County Proposed Cottage Housing Development Ordinance
Attachments: Fisher Town Design Proposed Changes to County of Sonoma Yard Setbacks to Provide Eyes On and Neighborliness Oct 10 2018.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Nina, Jane and Jennifer,

Thank you so much for the opportunity to comment on your new ordinance. I have attached a suggested wording. My focus is on the setbacks because the idea is to allow porches to encroach into the setbacks. My comments are based on the Town of Windsor Zoning Ordinance. This 'encouragement of porches' by allowing them to encroach into front setbacks has been in place for about 20 years and has been one factor that has helped to make Windsor the safest city in Sonoma County. (The yellow highlight is your existing wording-no color represents suggested changes.) Are you limiting the parking allowed in these cottage areas? That seems to be a key to reducing garage dominance.

I will be in Pescadero tomorrow and Friday for town planning stakeholder meetings. Nina, can you make any necessary edits (using track changes) to get this to work for your goals and resend it to me in the next couple days for approval? I can approve a document with track changes while on the road.

That way the final document, if approved, will work for you.

Thanks,

Lois

Lois Fisher
Fisher Town Design



(707) 544-1118
www.FisherTownDesign.com

PROPOSED RESIDENTIAL DISTRICT GENERAL DEVELOPMENT STANDARDS FOR THE COUNTY OF SONOMA

October 10, 2018

Sec. 26-88-063 Cottage Housing Developments

- (a) Purpose. This section implements the provisions of the General Plan Housing Element that encourage new types of housing to meet a wide variety of housing needs, and encourage infill projects on underutilized urban land. Cottage housing developments are a type of infill development intended to provide small-scale, clustered housing units that are comparable in scale and intensity to single-family residential use, thereby minimizing the impact on adjacent low-density residential uses. This section allows up to three units as interior conversion of an existing single-family home (attached cottage housing developments), or detached cottage housing developments, generally small, detached units clustered around common open space, designed with a coherent concept.
- (b) Applicability. This section applies to cottage housing developments where allowed by the base or combining zone.
1. Cottage housing developments are allowed within the R1 (Low Density Residential) and R2 (Medium Density Residential) Zoning Districts.
 2. Cottage housing developments may not be located on any parcel already containing an accessory dwelling unit, junior accessory dwelling unit, or developed with a duplex, triplex, apartment, or condominium.
 3. Cottage housing developments shall be limited within the Sonoma Complex fire perimeter to:
 - i. One per a radius of 600 feet in Larkfield; and
 - ii. One per a radius of 400 feet in Glen Ellen.
- (c) Occupancy. Cottage housing units may not be rented on a transient basis (periods less than thirty days).
- (d) Design and Development Standards. Cottage housing developments must meet the development criteria of the base zone with the following additional standards and exceptions.
- (e) Siting Requirements.
1. Urban Service Area. The proposed site must be located within an Urban Service Area and be served by public sewer.
 2. Minimum parcel size. The minimum parcel size shall be 8,000 square feet.
 3. Setbacks. Cottage housing developments shall meet the required front and side yard setbacks of the base zone. Rear yard setbacks shall be a minimum of ten (10) feet.
- (f) Parking. Cottage housing developments shall be subject to the parking provisions in Article 86. A maximum of one on-site parking space per unit is to be provided to prevent 'garage dominance' of the streetscape.
- (g) Accessory structures that serve on-site users and are subordinate in use and scale to the cottages are allowed subject to lot coverage limitations of the base zoning district and design review.
- (h) Design and Development Standards. Cottage housing developments shall be subject to design review and site plan approval and meet the following additional standards and exceptions:
1. Attached Cottage Housing Developments
 - i. Homes designed as single-family dwellings that were existing as of October 1, 2018 may be converted to attached rental cottages, subject to the standards of the base zone and this Section, and provided that there be no expansion of the total square footage. A use permit and administrative design review shall be required for conversion resulting in four or more units, or otherwise not meeting these standards.

2. Detached Cottage Housing Developments
 - i. Density. On parcels that meet the minimum parcel size, the maximum density shall be one cottage square feet per every 2,500 square feet of lot area. When calculating the number of units allowed, fractional units shall be rounded down to the nearest whole number.
 - ii. Size. The total building square footage shall not exceed 2,700 square feet, unless other sizes allowed by use permit.
- (i) Site Layout.
1. Common Open Space. Common open space shall be one or more areas that are designed and maintained for recreation, gardening, and similar activities open to all residents. Common open space shall total at least 200 square feet per unit, of which up to 60 square feet may be private.
 - i. Cottages should generally be no more than 25 feet from the common open area, measured from the façade of the cottage to the nearest delineation of the common open area.
 2. Orientation of Cottages. Dwelling units shall be clustered around common open space that is not separated with fencing. Each unit shall have a primary entry and covered porch, generally oriented towards the common open space. Front porches are encouraged. See custom yard setback requirements Section ____.

EXISTING R-1 ZONING:

Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).

- (1) Front Yard. Not less than twenty feet (20') behind the Right of Way line for garages and carports, however porches may encroach into this setback, (See notes a, b, c and d.) .; ~~provided, however, that no structure shall be located closer than forty-five feet (45') to the centerline of any public road, street or highway.~~
- (2) Side Yard. Not less than five feet (5') except where the side yard abuts a street in which case such yard shall be the same as the front yard.
- (3) Rear Yard. Not less than twenty feet (20').
- (4) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty-five percent (25%) or more of the lots on any block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of garages or carports. However, in no case shall the garage or carport setback be reduced to less than fifteen feet (15'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard.

Notes:

(a) The County of Sonoma desires a safe and walkable communities. Safe communities provide 'eyes on their streets' (the opposite of a garage-dominated streetscape); therefore, entrances to dwelling units (single or multi-family, but not including accessory dwelling units) shall generally be located on the front facade and directly face the street. In a 'Cottage Setting' units at the street-facing corner of the common open space shall be treated as a 'corner' lot and have a wraparound porch facing both the street and the common open space. On multi-family units, front doors or common vestibules should face a street or a courtyard that provides a direct walkway to a street.

(b) A covered porch with railings and supports and a minimum depth of six feet clear of supports, may encroach into a required front setback. It may encroach up to 8' behind the sidewalk or right of way as

long as it is a minimum of 2' in height. A minimum setback of 12' is required if the proposed porch is lower than 2' in height above the sidewalk or R.O.W.

(c) New homes should provide a minimum of 48 square feet of covered porch (with a minimum depth of 6 feet clear of railings and supports). Porches should cover at least 40% of the street-facing width of a house, inclusive of the width of attached garages. For up to 25% of all units within a project, arbors, trellises, courtyards and similar landscape architectural features may substitute for porches at the front door if they are accompanied by fast-growing vines, and if the front door is protected from rain.

(d) Rooms with 'active uses' such as kitchens and family rooms are encouraged to be placed behind the porch to provide 'eyes-on'. Rooms that are not active during the day such as bedrooms, hallways and closets are not encouraged to be placed behind the porch.

(d) Corner lots shall have enhanced architecture – such as windows, bay windows, doors, wraparound porches (strongly recommended), room projections, changes in roofline features, etc. – on both street frontages. These enhanced architectural features shall be provided for a minimum of 50% of the side street frontage elevation including garages. This will increase 'eyes-on' both streets.

Illustrations:

Here is an illustration of the proposed changes. The current zoning sets the garage at 20' behind sidewalk or R.O.W. The entrance/porch is unregulated and tends to be set back further than the garage. This configuration does not do a good job of providing 'eyes on the street'.



This illustration shows what happens if the garage is kept at the 20' setback line but porches are allowed to encroach into the setback. The entry moves closer to the street and so is much better at providing 'eyes-on' the street.





County of Sonoma Agenda Item Summary Report

Agenda Item Number: 48
(This Section for use by Clerk of the Board Only.)

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number:

Traci Tesconi 565-1948

Supervisorial District(s):

4

Title: Appeal of a Use Permit and Design Review for a winery and public tasting room with agricultural promotional and industry wide events (Hale Winery). Andrew Dieden, Appellant. PRMD File No. PLP05-0062.

Recommended Actions:

Hold a public hearing and at the conclusion of the hearing, adopt a resolution denying the appeal and upholding the Board of Zoning Adjustments' approval of a previously approved Use Permit and Design Review for Hale Winery with a 25,000 case maximum annual production capacity, a public tasting room, a storage barn, 12 agricultural promotional events, and eight industry-wide total event days on 40 acres, located at 4304 Dry Creek Road, Healdsburg.

Executive Summary:

The project site is located in Dry Creek Valley at 4304 Dry Creek Road, Healdsburg; and zoned Land Intensive Agriculture 20 acres per dwelling unit. The 40 acres parcel contains 36 acres of existing vineyard, a barn, and existing driveways off Dry Creek Road. The project site is in area served by private wells and private septic systems. The project site is located in Supervisorial District 4.

The request includes a 25,000 case winery with a public tasting room and agricultural promotional and industry wide events. The original Use Permit and design review was approved in 2007, and approved for an extension of time to 2009.

On October 5, 2010, PRMD staff sent a letter to the applicant and project engineer notifying them that since no development permits (septic, grading, or building permits) had been issued on the site for the project, the Use Permit had expired. On October 11, 2010, an appeal (ADA10-0006) of this determination was filed by the applicant's engineer. PRMD reviewed the appeal and determined that the applicant could instead submit a request to reactivate the expired Use Permit under the Economic Stimulus Ordinance No. 5929 adopted on April 12, 2011, by the Board of Supervisors. The Stimulus Ordinance then in effect allowed reactivation

of expired permits if requested by the applicant. The applicant withdrew the appeal and on May 12, 2012, submitted the request to reactivate the previously approved Use Permit and Design Review application.

While there have been changes to the surrounding area since 2007, those changes were considered by the BZA. The February 2015 staff report and discussion during the BZA public hearings for the reactivation request provided updated information as to the number of approved winery facilities along Dry Creek Road within one mile of the project site. In addition, updated traffic, noise studies, and a water conservation plan were provided and discussed at the public hearings. The BZA discussed and considered the updated information and approved the request with modifications. A reactivation provides the same due process as a new Use Permit.

On April 16, 2015, the Board of Zoning Adjustments (BZA) approved, with modifications, a new winery and public tasting room within an approximately 17,000 square foot single building to include: a 25,000 case maximum annual production capacity; public tasting; retail sales; 12 agricultural promotional events per year (10 with a maximum of 80 guests and two with a maximum of 100 guests), and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests per day; and conversion of an existing 3,200 square foot barn to store empty barrels.

At the April 16, 2015 hearing, the BZA prohibited weddings/receptions, any use of outdoor amplified sound or music or use of outdoor loud musical instruments, and the proposed commercial kitchen. The BZA did allow a caterer's kitchen in the tasting room which can include counter space, commercial sinks, warming and microwave ovens, and refrigeration. The BZA required as a condition of approval the restoration of the existing on-site seasonal stream, including bank stabilization. On April 27, 2015, Andrew Dieden filed a timely appeal of the BZA's decision.

Discussion:

Project Description:

The project site is 40 acres in size and is located on the west side of Dry Creek Road, approximately four miles northwest of Healdsburg. On April 16, 2015, the Board of Zoning Adjustments (BZA) approved, with modifications, a new winery and public tasting room within an approximately 17,000 square foot single building to include: a 25,000 case maximum annual production capacity; public tasting; retail sales; 12 agricultural promotional events per year (10 with a maximum of 80 guests and two with a maximum of 100 guests), and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests per day; and conversion of an existing 3,200 square foot barn to store empty barrels.

At the April 16, 2015 hearing, the BZA prohibited weddings/receptions, any use of outdoor amplified sound or music or use of outdoor loud musical instruments, and the proposed commercial kitchen. The BZA did allow a caterer's kitchen in the tasting room which can

include counter space, commercial sinks, warming and microwave ovens, and refrigeration. The BZA required as a condition of approval the restoration of the existing on-site seasonal stream, including bank stabilization.

Background:

On June 29, 2005, the original Use Permit and Design Review application (PLP05-0062) was submitted. On December 5, 2006, the applicant revised the project changing the number of agricultural promotional events from 24 to 20 per year and the number of guests from 100 to 150 guests per event. On February 9, 2007, the project was revised once again, changing back to 24 special events with 100 guests per event, along with a revised site plan and proposal statement.

On May 16, 2007, preliminary design review was approved by the Design Review Committee (DRC) with recommendations for revisions to the project design and landscaping. The DRC approved the height of the winery building ranging from 35 feet to 44 feet for the roof-pitches, but recommended a roof material with less reflectivity. They also recommended adding more native trees and plants along the creek and shade trees or arbor structure in the front parking area.

A Mitigated Negative Declaration was prepared by the Project Planner. On May 21, 2007, a legal notice of the Notice of Intent to Waive the Public Hearing was mailed to property owners within 300 feet of the project site. Orange public hearing notices were posted along Dry Creek Road. No objection to waiving the public hearing was received within the 20-day posting period and the Permit and Resource Management Department (PRMD) approved the Use Permit on June 15, 2007. After two years, the applicant submitted a request for a one-year extension of time in order to meet Use Permit conditions. On May 15, 2009, the legal notice for the One-Year extension of time was mailed to property owners within 300 feet of the project site and orange public hearing notices were posted along Dry Creek Road. No objection was received and on June 11, 2009, a one-year extension of time was approved (see Exhibit G).

On October 5, 2010, PRMD staff sent a letter to the applicant and project engineer notifying them that since no development permits (septic, grading, or building permits) had been issued on the site for the project, the Use Permit had expired. On October 11, 2010, an appeal (ADA10-0006) of this determination was filed by the applicant's engineer. PRMD reviewed the appeal and determined that the applicant could instead submit a request to reactivate the expired Use Permit under the Economic Stimulus Ordinance No. 5929 adopted on April 12, 2011, by the Board of Supervisors. The Stimulus Ordinance then in effect allowed reactivation of expired permits if requested by the applicant. The applicant withdrew the appeal and on May 12, 2012, submitted the request to reactivate the previously approved Use Permit and Design Review application. Reactivation requires the same public hearing procedures as a new Use Permit and new conditions can be added to address any issues.

Updated noise and traffic studies were provided by the applicant. In February 2015, minor revisions were made to the original Site Plan to: 1) comply with the 50-foot Riparian Corridor setback that went into effect on December 25, 2014; and 2) accommodate the northerly

neighbors' request by moving the front parking area further from their residence (see Exhibit H). The revised Site Plan shows the winery building located outside of the 50-foot stream setback for the building and front parking area.

In March 2015, sound consultant, Ilingworth & Rodkin, provided further noise analysis to address the slight shift in the front parking location and added parking spaces, concluding that the expected parking lot noise levels would continue to be below the daytime and nighttime levels in the General Plan at both the north and south residential property lines (see Exhibit M). The minor revisions to the Site Plan improved the overall project design and did not warrant any revisions to the mitigation measures or conditions incorporated into the project. On February 5, 2015, W-Trans provided an updated Traffic Impact Study including recent traffic counts taken by the County in August 2014 on Dry Creek Road and responses to public comments.

On February 19, 2015, the BZA first heard the item and the Planning Commissioners decided more on-site parking spaces were needed to adequately accommodate guest vehicle parking during the agricultural promotional and industry-wide events. The item was continued to April 16, 2015 where the Board of Zoning Adjustments granted final approval of the project. On April 27, 2015, Andrew Dieden filed a timely appeal of the BZA's decision. On November 9, 2015, the appellant submitted a second letter with attachments. On January 22, 2016, W-Trans submitted a letter in response to comments on its Traffic Impact Study prepared for the project. On September 15, 2016, the appellant provided an additional letter related to the appeal.

On September 21, 2017, the request was reviewed a second time by the Dry Creek Valley Citizens Advisory Committee because their Winery Guidelines were approved in April 20, 2017. The Dry Creek Citizens Advisory Council (DCVCAC) moved to recommend to approve PLP05-0062 for Hale Winery with conditions. The DCVCAC recommendations are discussed further in the staff report.

Site Characteristics, General Plan, and Zoning:

The project site is 40 acres with 36 acres of existing vineyard. The project site is flat and contains a barn and well. Proposed access for all winery and tasting room traffic is off of Dry Creek Road via an improved, existing driveway located on the south end of the parcel. The proposed winery and tasting room development would be located in the front half of the parcel, with no work or disturbance proposed near or along Dry Creek. Along the front portion of the project site, there is a small seasonal stream with a 50-foot riparian corridor setback from the top of the bank. The project development would meet all creek and stream setbacks.

The project site is under the land use and zoning designation of Land Intensive Agriculture with a 20 acre density, and combining districts of SR (Scenic Resource) with Scenic Corridor, Scenic Landscape Unit, and RC (Riparian Corridor) designations. The parcel is under a prime Land Conservation Act contract. Approximately 1.5 acres of vineyard would be removed from production for construction of the proposed winery building, connecting driveways, parking areas, and lawn areas. However, .64 acres of vineyard can be replanted elsewhere on the site.

A full replanting of the 1.5 acres of vines appears to not be possible on the project site in order to maintain cultivation setback requirements from Dry Creek and the seasonal stream and the vineyard roads and tractor-turnaround areas on the 40 acres. Therefore, 87% of the site would remain under vineyard production in compliance with the Uniform Rules for the Land Conservation Act (Williamson Act), which requires at least 50% of the land be in agricultural cultivation to demonstrate the land is devoted to an agricultural use.

The project also meets the definition and threshold for a compatible use under the Land Conservation Contract. Compatible uses may be permitted provided that they are incidental to the primary use of the land for agriculture, listed in the County's Uniform Rules for Agricultural Preserves and meet the criteria for compatibility. Incidental has been defined by the County to mean compatible uses may collectively occupy no more than 15% of the land area or five acres whichever is less. For the 40 acre parcel size, the 5 acre threshold would apply. The proposed building, connecting driveways, parking areas and lawn areas are considered compatible uses and encompass approximately 1.5 acres, well below the threshold.

The County's Uniform Rules list agricultural promotional events as a "compatible use" for land under an agricultural contract under the following circumstances:

1. When directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, and,
2. Events last no longer than two consecutive days and do not provide overnight accommodations, and,
3. No permanent structure dedicated to events is constructed or maintained on the contracted land.

Events would not last longer than two consecutive days. No lodging is provided, and no permanent structure would be constructed or devoted to event-use only. The agricultural promotional events and industry-wide events would take place inside the winery/tasting room building or outdoors, west of the winery/tasting room building.

Issues Raised With the Appeal:

The appeal form, dated April 27, 2015, a second letter with attachments, dated November 9, 2015, and a third letter, dated September 15 2016, were submitted by Andrew Dieden. In summary, the appellant lists the following reasons for the appeal:

1. Procedural Errors;
 - A. Notice;
 - B. Number of events, event days, and no "new information;"
2. Applicant's History of Noncompliance;
3. Outdated, Inaccurate, Incomplete Traffic Analysis;
4. Fair argument the project will cause significant adverse traffic impacts; and
5. Incomplete and insufficient Noise Analysis with vague requirements.
6. Within one mile of the project site there exists 16 wineries.

1. Procedural Errors

A. Notice

The appellant believes the applicant should be required to submit a new Use Permit application because the original approval in 2007 was done without a public hearing and without notice to neighbors, and the surrounding area has changed.

Staff discussion:

The record shows that all previous public hearing notice requirements were done properly. Affidavits contained in PRMD file records prove that for the original May 21, 2007 Use Permit approval, proper legal notice for the Notice of Intent to Waive the Public Hearing was mailed to property owners within 300 feet of the project site and three orange notices were posted along Dry Creek Road (see Exhibit G). Hearing waivers are allowed under Section 26-92-040(d)-(i-v) of the Zoning Code. PRMD received no objection to waiving the public hearing within the 20-day posting period and approved the Use Permit on June 15, 2007. After two years, the applicant submitted a request for a one-year extension of time in order to meet Use Permit conditions. On May 15, 2009, the legal notice for the one-year extension of time was mailed to property owners within 300 feet of the project site and three orange notices were posted along Dry Creek Road (see Exhibit G). Again, no objection was received and on June 11, 2009, a one-year extension of time was approved.

While there have been changes to the surrounding area, those changes were considered by the BZA. The February 2015 staff report and discussion during the BZA public hearings for the reactivation request provided updated information as to the number of approved winery facilities along Dry Creek Road within one mile of the project site. In addition, updated traffic and noise studies were provided and discussed at the public hearings. The BZA discussed and considered the updated information and approved the request with modifications. A reactivation provides the same due process as a new Use Permit.

B. Events

The appellant alleges that at the February 19, 2015, hearing the BZA did not identify that event numbers would be an issue discussed at the continued hearing date of April 16, 2015, and proper notice was not provided. The appellant states the project should be limited to a total of 16 event days since that is what the BZA discussed at the first hearing on February 19th.

Staff discussion: The public hearing notices for the February 19, 2015, and April 16, 2015, BZA public hearings both described the project originally proposed by the applicant, which included the 12 annual agricultural promotional events, two annual weddings, two annual charitable events, and eight industry-wide events, totaling 24 annual events days. After the public hearing was closed on February 19, 2015, the Board of Zoning Adjustments discussed the project and considered reducing the number of events. The BZA did not reach a final decision on the number of events at the February 19, 2015, hearing and continued the hearing to April 16, 2015. The public hearing on April 16, 2015, was reopened for the limited purpose of taking additional public testimony on the additional parking spaces and related noise information. After receiving that information, the BZA completed its deliberations and approved a total of

20 annual events days (12 annual agricultural promotional event days and 8 industry wide total event days). All public hearings were properly noticed.

2. Applicant's History of Noncompliance

The appellant states the applicants have known violations on other properties. According to the appellant, violators with track records of operating outside the rules should not be rewarded with additional entitlements and wineries.

Staff discussion:

The BZA acknowledged that use permits run with the land and are not based on the identity of the applicant or property owner. Approval must relate to the property, site characteristics, and proposed use; and be equally applicable to subsequent owners. If a property is sold, the use permit transfers to the new owner(s). Conditions can be placed to strengthen monitoring of project activities and ensure operational conditions are being met. The BZA approved Conditions No. 97 and 98 to monitor event activities at the project. These conditions involve PRMD review of event activities, which includes opportunity for public comment, and require the permittee to submit annual reports on each year's events.

3. Outdated, Inaccurate, Incomplete Traffic Analysis:

The appellant contends the traffic analysis is outdated and inaccurate because it provides traffic counts on Dry Creek Road from 2011. The appellant argues that the report vastly underestimates winery truck traffic and employee traffic and does not account for bicycle traffic. Also, the appellant believes the project driveway entrance is in a dangerous location and presents a traffic hazard.

Staff discussion:

The appellant references in his appeal an outdated Traffic Impact Study prepared by W-Trans in 2013. The BZA took action on the project after considering an updated W-Trans Traffic Impact Study, dated February 5, 2015 (see Exhibit K). The 2015 Traffic Impact Study provided the most recent traffic counts taken along Dry Creek Road by the County in August 2014. The updated study also addressed neighbors' traffic concerns about the project. The 2015 study did not identify a need for any additional mitigation measures or project conditions.

The project would use an existing driveway located on the south side of the project site and accessed directly off of Dry Creek Road for all truck and vehicular access and egress. Dry Creek Road is a two-lane road with a posted speed limit of 50 miles per hour, and is designated a Rural Major Collector in the General Plan. There are existing paved shoulders on both sides of the road. The northbound shoulder on the easterly side is approximately three-feet wide and the southbound shoulder on the westerly side is approximately two-feet wide.

Traffic Counts:

The August 11, 2014, traffic counts collected by the County north of Lambert Bridge Road indicate that Dry Creek Road carries approximately 3,050 vehicles per day. This particular study began at noon on Monday, August 11, 2014, and concluded at noon on Wednesday, August 13, 2014. The data collection is consistent with industry standard, which is to collect data outside

of the Monday morning and Friday evening commutes that tend to have higher volumes. There is no specific data related to lake-oriented traffic, since it is possible this traffic can also arrive from Dutcher Creek and Canyon Road instead of Dry Creek Road. According to the Department of Transportation and Public Works (DTPW), counts east of the bridge over Dry Creek indicate approximately 1,200 vehicles travel through the Lake Sonoma dam site daily. This traffic also includes vehicles using Dutcher Creek and Canyon Road. The counts provided by the County indicate that the evening weekday peak hour is 4-5 p.m., and for weekends, the Saturday peak hour is 1-2 p.m. and the Sunday peak hour is 2-3 p.m.

Under these existing volumes the road operates at Level of Service (LOS) A during the p.m. peak hour. The roadway is marked with a solid double yellow centerline immediately in front of the project driveway that transitions to a dashed yellow line for northbound traffic just north of Norris Road. A copy of the level of service calculation is provided in Appendix A of the 2015 Traffic Impact Study (Exhibit K).

Existing plus Project Conditions:

County data obtained during August of 2011 and 2014 were reviewed to determine hourly volumes for Dry Creek Road. Both counts were performed in August and had very similar average volumes during the p.m. peak hour. DTPW takes 48-hour counts to determine an average 24-hour period. This study began at noon on Monday, 8/11 and concluded noon Wednesday 8/13. These counts indicate that Dry Creek Road carries about 315 vehicles during the weekday peak hour, with 125 northbound and 190 southbound, and operates at LOS A during the p.m. weekday peak hour.

The project is expected to generate a maximum of 46 trips during any hour. With these trips added to the existing peak hour volumes, Dry Creek Road would be expected to operate at LOS B. The 2015 study analyzed the potential for multiple events at surrounding wineries to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, even if five such events occurred in the same area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C.

Bicycle Travel:

Dry Creek Road is a popular route for bicycle travel, but has little pedestrian traffic. Dry Creek Road has shoulders approximately three-feet wide on the easterly route that provide cyclists a place to ride outside the vehicle travel lane. Dry Creek Road has good sight lines and topography for motorists to see bicyclists ahead. Dry Creek Road is designated as a future Class II bike route in the Sonoma County Bicycle and Pedestrian Plan. The project does not propose to make any changes to the roadway that would impede bicycle travel, and adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel.

Sight Distance:

At the project driveway a clear line of sight must be maintained at all times. W-Trans evaluated the sight distance along Dry Creek Road at the project driveway and determined sight distance lines for both inbound and outbound movements can be met. A condition requires the

trimming of vegetation along the project frontage to maintain sight distance lines (see Attachment A, Condition No. 55).

W-Trans evaluated the need for left-turn channelization in the form of a left-turn pocket on Dry Creek Road to serve the project site. For this analysis, W-Trans conservatively assumed that all project related traffic would access the site via northbound left turns, as this condition represents the greatest potential need for a left-turn pocket. To evaluate worst case conditions, W-Trans used inbound trips for a maximum-sized event, along with volumes during the peak hour. Even using this conservative approach, W-Trans concluded a left-turn lane is not warranted. W-Trans based the turn lane calculation on the more conservative in-bound event traffic and weekday p.m. peak volume, rather than daily volumes.

W-Trans also considered the potential for multiple events to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, W-Trans explains that even if five such events occurred in the same area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

In an updated letter provided by W-Trans, dated September 28, 2018, the traffic engineer confirms the traffic study was performed using the criteria and standards defined by the County, including the sight distance standards for rural County roads at driveways and private road intersections set forth by the County shown in Drawing No. 812 (refer to Exhibit U and attachments)

4. Fair argument that the project would cause a significant adverse traffic impact

The appellant asks the Board to consider the evidence he has submitted in his November 9, 2015, letter (Exhibit A) to demonstrate a fair argument that the project will cause significant adverse impacts under Traffic/Transportation within the following areas:

a. Collision History:

In summary, the appellant states the project site is becoming significantly more dangerous compared to statewide highways based on review of the collision report summaries provided in the 2015 W-Trans Traffic Impact Study. He concludes that if the project is approved the County will be defenseless against expensive damaging litigation and this project will create a lethal danger to motorists and bicyclists.

Staff discussion:

Dry Creek Road generates traffic from employees and visitors of existing wineries and tasting rooms, recreational traffic from visitors of Lake Sonoma, and traffic from people living and working in Dry Creek Valley. The proposed project has not been developed. The collision reports are from existing traffic on Dry Creek Road. To address traffic safety, the BZA approved the project with conditions from the Department of Transportation and Public Works (Attachment A, Conditions 50 through 63) requiring driveway improvements and right of way

dedication along the project frontage to allow a future Class II bikeway shoulder. It is typical that right of way dedication is completed project-by-project through the discretionary entitlement process. Also, Condition No. 102 requires all winery staff selling wine to complete a certified responsible beverage service training program with the California Department of Alcoholic Beverage Control.

W-Trans's February 5, 2016 letter in response to the appellant (Exhibit F), explains that none of the reported collisions occurred at the project site, as the appellant infers. The collisions occurred on segments of Dry Creek Road within one-half mile on either side of the driveway serving the project site. W-Trans explained that the subsequent review of the history of collisions is a safety assessment and the limited number of seven collisions reported over the five year period (between July 2008 through June 2013) indicates there is not a specific location or safety issue related to the operation of Dry Creek Road. In an updated provided by W-Trans dated September 28, 2018, the traffic engineer explains that for the five-year period that ended July 31, 2018, there was one collision reported on the one-mile segment centered at the project driveway. W-Trans explains that this is a collision rate of 0.18 collisions per million vehicle miles, which is about 20 percent of the Statewide average for similar facilities and the current collision rate indicates a lack of safety concern on the road segment serving the project driveway.

b. Sight Distance:

The appellant states that W-Trans sight distance reports are inconsistent and unreliable.

Staff discussion:

DTPW recommended only one driveway be used for the proposed project and it was determined that the existing driveway on the south side of the project site be used for all winery and tasting room traffic. The BZA took action on the project after considering an updated W-Trans Traffic Impact Study, dated February 5, 2015 (see Exhibit K) and the use of the southern driveway for all traffic generated by the proposed project. The 2015 Traffic Impact Study provided the most recent traffic counts taken along Dry Creek Road by the County in August 2014.

W-Trans explained that the most current sight distance analysis was for the existing southern driveway once it was determined by the County that only one of the two existing driveways could be used for the proposed project. Previously, the sight distance analysis was based on both driveways being used for the proposed project.

W-Trans conducted a site visit with sight distance measured from a 3.5-foot height at the location of the driver and 15-feet back from the road edge-line. W-Trans also took a speed survey which indicated that the 85th percentile speed of drivers approaching the driveway was 53 mph. W-Trans used a design speed of 55 mph to capture the actual speed at which drivers are traveling. Based on a 55-mph design speed, AASHTO recommends the sight distances indicated in Table 2 for the associated movements.

Table 2- Sight Distance Evaluation

<u>Type of Sight Distance:</u>	<u>Minimum (feet)</u>	<u>Available (feet)</u>
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Outbound Right Turn:	530	800-plus
Outbound Left Turn	610	665
Following Inbound Left Turn	495	535

As shown in Table 2, the available sight lines for both inbound and outbound movements can be met and exceed the minimum recommendations for the 55-mph design speed. Trimming existing vegetation would increase sight lines and ensure adequate visibility when drivers are substantially exceeding the 50-mph speed limit.

c. Traffic Counts- Level of Service (LOS):

The appellant contends the proposed project will decrease Dry Creek Road’s Level of Service (LOS) far below LOS C. The appellant claims the table of existing wineries in the BZA staff report, dated 12-11-2014, omitted a dozen wineries on Dry Creek Road, specifically Talty, Del Carlo, Amphora, Collier Falls, Dashe Cellars, Kokomo, Lago Di Merlo, Mietz Cellars, Papapietro Perry, Peterson, Phillip Stately, Trattore, and Comstock.

Staff discussion:

DTPW reviewed the Traffic Impact Study and concurred that project traffic will not exceed the level of service of Dry Creek Road. Dry Creek Road is a two-lane road with a posted speed limit of 50 miles per hour (mph). There are paved shoulders on both sides of the road that are used as bicycle lanes. Based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at LOS A even during the p.m. weekday peak hour. It is classified as a Rural Major Collector road in Figure CT-4c of the Sonoma County General Plan 2020 Circulation and Transit Element. W-Trans has explained that for events at wineries to have a cumulative impact in traffic operation they must all draw their traffic during the exact same hour. W-Trans has explained that if this occurred several times per year, but not on a routine basis, Dry Creek Road has sufficient capacity for numerous wineries to hold events simultaneously.

Use Permit approvals limit the annual number of agricultural promotional events for wineries. Within two miles of the project site vicinity, the winery approved with the greatest number of agricultural promotional events is Truett Hurst (UPE05-0006) located at 5610 Dry Creek Rd, approved in 2006 for 30 annual agricultural promotional events per year with a maximum of 200 guests. The average number of agricultural promotional events approved at wineries within two miles of the project site is nine.

The table of existing wineries in the BZA staff report, dated 12-11-2014, does list Amphora, Collier Falls, Dashe Cellars, Kokomo, Lago Di Merlo, Mietz Cellars, Papapietro Perry, Peterson, Phillip Stately, and Trattore as these facilities are located on one parcel and part of the Dry Creek Cooperative of Family Wineries located at Timber Crest Farms. The Timber Crest Farms site was approved under UPE04-0148 to allow a custom crush facility for multiple wineries and tasting rooms with a maximum production capacity of 65,000 cases per year including: public tasting, retail sales, participation in industry wide events and a maximum of four agricultural promotional events per year with a maximum number of 180 attendees per event.

Talty and Comstock wineries are located over 2 miles from the project site in opposite directions, far enough to disperse the amount of traffic on Dry Creek Road. Both the Mitigated Negative Declaration and BZA staff report address the number of existing wineries in the project vicinity. The traffic analysis completed for the project by a local traffic engineer demonstrates that Dry Creek Road has the capacity to accommodate the traffic generated by the project and that the proposed project does not cause road conflicts.

d. Alternative Modes:

The appellant states the proposed project poses imminent danger to the health and welfare of bicyclists and the Negative Declaration is entirely devoid of any bicycle safety analysis. The appellant states the Negative Declaration fails to address the mandate of California Vehicle Code 21760(c), which requires that all vehicles passing a bicycle leave a distance of at least three feet between any part of the motor vehicle and any part of the bicycle or its operator.

Staff discussion:

Dry Creek Road is designated as a future Class II bike route in the Sonoma County Bicycle and Pedestrian Plan. To provide for the planned future bike lanes, and as discussed in the Mitigated Negative Declaration, the project applicant is required to dedicate right-of-way along the project's frontage so when the County undertakes the construction of bike lanes, there will be adequate width on the project side to build the lane. An individual project applicant is not responsible for making improvements to the entire length of a roadway, but right-of-way dedication along the project site frontage allows for future improvements by the County. Otherwise, the project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel.

Secondly, the California Vehicle Code does not require three feet to be added to lanes for passing cyclists, but rather requires drivers to maintain the distance when passing. Similar to passing other vehicles, the driver may cross the centerline to pass when it is safe to do so. The California Vehicle Code are enforced by the California Highway Patrol or County Sheriff and not by a private landowner.

5. Incomplete Noise Analysis with Vague Requirements

The appellant argues that the amplification equipment fitted with a sound limiter should be a requirement and not merely referenced in the study to reduce amplified sound.

Staff discussion:

On April 16, 2015, the BZA approved the project with modifications. One of the modifications was to prohibit any use of outdoor amplified sound or music. Under Condition No. 45, a sound limiter is required for indoor amplified music. For the reactivation request and to supplement the 2006 Noise Assessment, Illingworth and Rodkin submitted updated Noise Assessments on May 13, 2014, October 9, 2014, February 5, 2015, and March 13, 2015 (refer to Exhibit L) to evaluate the enlarged parking area (see Exhibits I and J). The Noise Assessments were reviewed and accepted by the Project Review Environmental Health Specialist.

The BZA incorporated mitigations into the project to ensure that noise from construction, winery, and event activities meets the Daytime Noise limit standards established in the General Plan, with limited hours of event activities. The use of outdoor amplified music or sound or loud acoustical musical instruments outdoors are not permitted.

There are two neighboring residences to the north and south of the project site that are close to the property line boundaries. The residence to the north is approximately five feet from the side property line boundary and approximately 170 feet from the proposed winery development. The residence to the south is approximately 60 feet from the side property line boundary and approximately 230 feet from the proposed winery development.

Existing noise conditions on the property are primarily attributable to Dry Creek Road vehicle traffic and vineyard traffic associated with grape trucks and employee vehicles. Readings taken 135 feet from centerline of Dry Creek Road found noise levels ranging from 57 to 58 dBA (Ldn readings – using a day/night averaging). Short-term noise readings were higher (i.e., two-minute readings), reflecting noise of passing trucks and vehicles. The noise levels of vehicles entering and leaving the site at 15 mph would not exceed noise standards as measured at the adjoining residential property lines. However, the noise study found that truck traffic could result in a 68 dBA at 25 feet, therefore mitigations prohibit nighttime truck deliveries and prohibit the use of truck/trailer or semi-trailers with kingpin to rear axle lengths exceeding 38 feet.

Noise from the winery operation was also evaluated. The study found that mechanical noise related to grape crush and bottling, including use of air-cooled condensing units, pumps and compressors, would increase noise readings at the residential property lines. Conditions require the winery building's construction plans be reviewed by the professional sound consultant to ensure noise limits at the residential property lines are not exceeded (refer to Condition No. 31). Crush operations would last approximately six to eight weeks per year, and would involve unloading of trucks, use of forklifts, pressure washing of grape bins, and related activities. The study concludes that these activities would be in compliance with the noise standard. Finally, bottling would be done by a mobile bottling truck (17 days a year). Conditions require the rear of the bottling truck be oriented to the west away from sensitive receptors to reduce noise. Mitigations have been incorporated into the project to ensure that noise from construction, winery, and event activities meet the Daytime Noise limit standards established in the General Plan (refer to Attachment A of the Resolution- Conditions 42 through 46).

Illingworth and Rodkin reviewed the newer parking plan for the proposed winery project before it was presented to the BZA. The expanded parking areas are located as close as 50 feet from the residential property line to the south and 95 feet from the residential property line to the north. Based on the noise data collected at the site, ambient daytime noise levels are 60 dBA L08 at the nearest receptor to the north (Residence 1) and 66 dBA L08 at the nearest receptor to the south (Residence 2). No new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation

measures or conditions of approval would be required. Illingworth and Rodkin explains that the noise sources such as engine starts and door slams would generate noise levels that would range from about 50 to 60 dBA at a distance of 50 feet. The predicted noise levels from these same sources would range from 44 to 54 dBA at a distance of 95 feet. Parking lot noise levels would be less than the adjusted daytime NE-2 noise level limit for sounds occurring between 5 minutes and 15 minutes in any one-hour period (L08 noise limit).

In addition, Illingworth and Rodkin addressed the slight changes to the Sonoma County General Plan Table NE-2 noise limits since 2006 and to address any new or substantially different noise impacts resulting from the noise assessment study prepared for the proposed winery project. The base noise limits for L50, L25, L08, and L02 have remained unchanged since 2006. The primary difference between the current noise limits as compared to the limits used in the 2006 noise analysis is due to the adjustment process. In 2006, the applicable standards in Table NE-2 were reduced by 5 dBA *if the standards exceeded the ambient noise level by 10 or more decibels*. The current protocol is to reduce the applicable standards in Table NE-2 by 5 decibels *if the proposed use exceeds the ambient level by 10 or more decibels*. This results in a very subtle difference between the current assessment's methodology versus the 2006 assessment's methodology. However, the changes made to the noise thresholds do not result in new or substantially different noise impacts at nearby receptors. Illingworth and Rodkin concluded that the changes made to the noise thresholds do not result in new or substantially different noise impacts at nearby receptors.

In an updated letter provided by Illingworth and Rodkin, dated September 27, 2018, the noise consultant confirms that all noise sources generated from the proposed project, including winery operations, maintenance and forklift noise, bottling and processing noise, equipment noise, event noise, driveway, and parking noise were all evaluated; and mitigation measures were incorporated into the project to ensure noise standards of the Sonoma County General Plan were not exceeded at the property lines of nearby sensitive receptors [i.e. residential uses] (refer to Exhibit T).

6. Existing Wineries in the Area

The appellant contends there are 16 wineries within a one-mile radius of the project site. The Table below depicts within 2.1 miles, 13 existing wineries and tasting rooms along Dry Creek Road. There are four pending Use Permits for wineries/tasting rooms along Dry Creek Road (UPE14-0100, Hart; UPE14-0102, Compass Wind, UPE16-0014 Valhall, and PLP16-0050, Guadagni).

Wineries South of Project Site	Location	Production Capacity – Cases	Public Tasting	Permitted for Events and maximum number of guests per event	Distance from Site- Approx.
Nalle	2383 Dry Creek Rd UPE16-0007 Approved with Waiver of Hearing in September 2018	10,000	Yes	12 ag promo events total. 8 w/25 guests and 4 w/ 100 guests. 10 industry wide event days.	2.1 miles
Mauritson	2859 Dry Creek Rd UPE01-0101 Approved 7/2002	25,000	Yes	12 w/100 guests maximum	1.6 miles
F. Teldeschi	3555 Dry Creek Rd UPE90-0197 Approved 8/1990	10,000	Yes	No	1.35 miles
Amista	3320 Dry Creek Rd UPE04-0047 Approved by BOS on appeal 7/2005	20,000	Yes	No	1.4 miles
Rued	3850 Dry Creek Rd UPE11-0088 Approved 5/2012	8,500	Yes	17 w/100 guests maximum, including 1 wedding. 8 Industry-wide events.	0.70 miles
Mascherini (Yellow-Dog Vineyard)	3998 Dry Creek Rd UPE10-0043 Approved 4/2011 (To date- not in operation)	No winery	Yes	20 w/ 50 guests maximum. 8 industry-wide events.	0.32 miles
Unti	4202 Dry Creek Rd UPE02-0039 Approved 10/2002	10,000	Yes	5 industry-wide events	0.08 miles
Wineries North of Project Site					
Chateau Diana	6195 Dry Creek Rd UPE05-0082 Approved 9/2008	15,000	Yes	No	1.8 miles
Juett Hurst	5610 Dry Creek Rd UPE05-0006 Approved 11/2006	40,000	Yes	30 w/200 guests maximum	1.3 miles
Forchini	5141 Dry Creek Rd UPE09-0032 Approved 10/2009	5,000	Yes	4 w/60 guests maximum. 7 Industry-wide events	0.80 miles
Dry Creek Coop of Family Wineries/Timber Crest Farms	4791 Dry Creek Rd UPE04-0148 Approved 5/2005	65,000	Yes	4 w/180 guests maximum	0.50 miles
Kachina	4551 Dry Creek Rd UPE07-0072 Approved 3/2008	2,500	No- Appt Only	12 w/30 guests maximum	0.15 miles
Lawton Pech Merle Winery – Ruby Dog LLC	4543 Dry Creek Road, Healdsburg Approved 4/2009. Extension of time Approved 11/2011. UP vested - determined by PRMD.	30,000	Yes	10 w/ 100 guests and 5 w/ 200 guests. Industry wide events allowed (# not specified)	0.15 miles

Hale Winery was previously approved in 2007, with an extended approval in 2009. From 2009 to 2018, winery projects have been approved along Dry Creek Road. In less than one-mile of the project site, an existing winery was approved to add events (Rued UPE11-0088), a new winery and tasting room with events was approved (Pech Merle- PLP08-0087), and a stand-alone public tasting room was approved (UPE10-0043- Yellow Dog Vineyards); and within 2.1

miles, an existing winery was approved to extend public tasting room days and to add agricultural promotional events and industry wide events (Nalle-UPE16-0007). A concern of over concentration of uses was not raised by the community of Dry Creek Valley when these four projects were approved.

In 2012, the BZA approved the existing Rued Winery (UPE11-0088) to add events. The existing 8,500 case winery with a public tasting, tours and retail sales is located at 3850 Dry Creek Road (less than one mile from the project site). The BZA reduced the number of agricultural promotional events from 24 to 17 per year with a maximum of 100 guests per event, and of these events, reduced the number of weddings from three to one a year to be held only during summer. Also, the BZA approved eight industry wide events limited to tasting room hours.

In 2013, the BZA approved a new 10,000 case winery with public tasting, retail sales, 14 agricultural promotional events with 60 guests per event, four industry wide events, and two marketing accommodations on a parcel located near the end of Dry Creek Valley (PLP12-0020, 8500 Dry Creek Rd- Seifrick). It was determined that adding one more winery and tasting room with five existing wineries with public tasting rooms and events, within 1.8 miles of the project site, would not result in an over concentration of uses.

In 2014, the BZA approved on the opposite side of Dry Creek Valley, at the gateway, a new 35,000 case winery with public tasting, retail sales, 15 promotional events with guests ranging from 60 to 200 persons per event and seven industry-wide promotional events (PLP13-0004, 1290 Dry Creek Rd-Comstock). It was also determined that adding one more winery with a tasting room and events with three existing wineries with tasting rooms and events, within one mile of the project site, would not result in an over concentration of uses.

For the three recently approved projects mentioned above, one located near the project site and the other two are on opposites side of Dry Creek Valley, the BZA determined for each project that it will not be detrimental to the rural character of the area and will not result in an over concentration of uses.

In 2018, UPE16-0007 (Nalle Winery) was approved with a waiver of the public hearing to allow public wine tasting 7 days a week; 12 agricultural promotional event days per year, with eight events with a maximum capacity of 25 guests, and four events with a maximum capacity of 100 guests and to allow participation in a total of 10 industry wide event days per year with a maximum capacity of 100 guests at an existing 10,000 case winery on the 16.15 acres.

The existing rural character of the area consists of vineyards, wineries, tasting rooms, single family dwellings, a general store, and outdoor recreation. The proposed project is an agricultural use that conforms to this general development pattern. The project is similar and compatible with existing land uses in the area. Based on the above information, the proposed project will not be detrimental to the community's rural character.

Dry Creek Valley Citizens Advisory Visitor- Serving Guidelines

On September 21, 2017, the request was reviewed a second time by the Dry Creek Valley Citizens Advisory Committee because the Committee adopted Winery Guidelines in April 20, 2017. The Dry Creek Citizens Advisory Council moved to recommend to approve PLP05-0062 for Hale Winery with conditions, as follows:

- 1) After-hours events should have a maximum of 50 people, and events should be limited to no more than two per month.
- 2) At least 50% of grapes used should be sourced from Sonoma County.
- 3) Proper plans for mitigating neighbor privacy should be included.

Under item 1 above, the Board could consider revising the project and Conditions of Approval to limit event agricultural promotional events that occur outside of the tasting room hours to 50 guests and restrict event activity to no more than two per month.

Under item 2 above, recent Use Permit approvals for wineries in Dry Creek Valley or on a county-wide basis have not limited wineries to source 50% of the grapes from Sonoma County. If the Board placed such a condition on the Use Permit, it would be more restrictive than General Plan policies, such that under the Land Intensive Agriculture (LIA) zoning district, Section 26-04-010 (g); it allows the: Preparation of agricultural products which are not grown on site, processing of agricultural product of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g. The County has interpreted local area to include neighboring Counties, partly, to allow flexibility during times of drought, disease, fire, or floods.

The Dry Creek Valley Guidelines state under item 7. Local Focus: *The community of Dry Creek Valley is dedicated to promoting local agriculture and wine grape processing. Projects that acquire agricultural products grown locally, specifically from Dry Creek Valley and Sonoma County, are preferred. New wineries that use at least 75% of grapes from Sonoma County will be viewed favorably.*

Requiring 75% Sonoma County grapes is preferred under the advisory Dry Creek Valley Guidelines, but this standard has not been adopted by the Board of Zoning Adjustments or Board of Supervisors. Previous winery projects either used voluntary limits proposed by applicants or have been required to follow the General Plan policies allowing grapes primarily from Sonoma County or the local area. Past interpretations has been that primarily means at least 51 % of grapes, and local area means Sonoma County and adjacent counties. It may also depend on the size of the winery. For a larger winery, the local area may extend to adjoining counties. The RRD (Resource and Rural Development) district restricts agricultural processing from grapes grown on site or in the immediate area, however, the project site is zoned LIA (Land Intensive Agriculture) which does not have such restriction.

Under item 3, landscape improvements are required and the outdoor area will be shielded by the proposed winery/tasting room building and surrounding vineyards. Mitigation measures

restrict the use of outdoor amplified music or sound, and the outdoor use of loud acoustical musical instruments.

Public hearing noticing

Similar to the public hearing noticing done for the BZA public hearings, a large public hearing sign was installed at the project site and public hearing notices were mailed out to all property owners within 300 feet of the project site and other persons requesting notices, providing a 20-day noticing period prior to the Board of Supervisors appeal hearing.

Staff Recommendation:

Deny the appeal and uphold the BZA’s approval of the project.

Prior Board Actions:

Economic Stimulus Ordinance No. 5929, adopted on April 12, 2011.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Use Permit process provides the opportunity for grapes grown on the project site to be processed on the site instead of hauling them off site for processing. In addition, the Use Permit allows the winery to have wine tasting facilities and agricultural promotional events which are all direct marketing and educational tools that help increase sales directly to consumers, increase their wine club membership, and provide label recognition for the winery in a competitive market. According to the 2015 report by the Sonoma County Economic Development Board, winegrowers and wineries contributed more than \$13.4 billion to the local economy based on 2012 figures.

Fiscal Summary					
Expenditures		FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected	
Budgeted Expenses					
Additional Appropriation Requested					
Total Expenditures					
Funding Sources					
General Fund/WA GF					
State/Federal					
Fees/Other					
Use of Fund Balance					
Contingencies					
Total Sources					

Narrative Explanation of Fiscal Impacts:

None. This is an at-cost project whereby the permit processing expense is paid by the applicant.

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Board of Supervisors Draft Resolution Denying the Appeal with Attachment A Conditions of Approval and Mitigation Monitoring Program
 Exhibit A: Appeal Form and Letters from Andrew Dieden, dated April 27, 2015; November 9, 2015; and September 15, 2016
 Exhibit B: Board of Zoning Adjustments Resolution No. 15-009
 Exhibit C: Board of Zoning Adjustments Staff Report dated April 16, 2015
 Exhibit D: Board of Zoning Adjustments Minutes and Actions dated April 16, 2015

Exhibit E: Board of Zoning Adjustments Staff Report dated February 19, 2015
Exhibit F: Response Letter Regarding Traffic Concerns prepared by W-Trans dated February 5, 2016
Exhibit G: May 21, 2007 and May 15, 2009 Use Permit Legal Notices
Exhibit H: Overall Plan
Exhibit I: Site Plan
Exhibit J: Floor Plan, Landscape Plan, and Parking Plan
Exhibit K: Updated Traffic Study, prepared by W-Trans, dated February 5, 2015
Exhibit L: Updated Environmental Noise Assessments (2) prepared by Illingworth & Rodkin, dated May 13, 2014 and Revised on October 9, 2014
Exhibit M: Noise Addendum Letter prepared by Illingworth & Rodkin, dated March 13, 2015
Exhibit N: Noise Addendum Letter prepared by Illingworth & Rodkin, dated February 5, 2015
Exhibit O: Letters from John G. Mackie of Carle, Mackie, Power & Ross LLP dated March 10, 2015 and March 12, 2015
Exhibit P: Draft Proposed Water Conservation Plan prepared by Thomas J. Billeter, dated October 28, 2015
Exhibit Q: Traffic Study, prepared by W-Trans, dated October 28, 2014
Exhibit R: Minutes from the Dry Creek Valley Citizens Advisory Meeting, dated September 21, 2017
Exhibit S: Dry Creek Valley Guidelines for New Use Permits with Visitor Serving Uses, dated April 20, 2017
Exhibit T: Noise letter from Illingworth & Rodkin, Inc. dated September 27, 2018
Exhibit U: Traffic letter from W-Trans, dated September 28, 2018
Exhibit V: Revised Mitigated Negative Declaration

Related Items "On File" with the Clerk of the Board:

None



County of Sonoma

State of California

Date: October 23, 2018

Item Number: _____

Resolution Number: 18-_____

PLP05-0062 Traci Tesconi

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopting A Mitigated Negative Declaration And Denying An Appeal Of A Board Of Zoning Adjustments Approval Of A Request Reactivating A Previously Approved Use Permit And Design Review Under The Economic Stimulus Ordinance (Ordinance No. 5929) For A Winery With A 25,000 Case Maximum Annual Production Capacity, Conversion Of The Existing Barn To Barrel Storage, Public Tasting Room, Retail Sales, Twelve Agricultural Promotional Events And Participation In Eight Industry-Wide Event Days Located At 4304 Dry Creek Road, Healdsburg, APN 090-200-008.

RESOLVED, that the Board of Supervisors (“Board”) finds and determines as follows:

Section 1. Proposed Project and Procedural History.

1.1 On May 12, 2012, the applicants, Kenneth and Diane Wilson filed a request to reactivate a previously approved Use Permit and Design Review under the Economic Stimulus Ordinance (Ordinance No. 5929) for an approximately 17,000 square foot winery and public tasting room building and conversion of an existing 3,200 square foot barn to barrel storage with a 25,000 case maximum annual production capacity, to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two charitable benefit dinners with 100 guests, and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests per day on 40 acres, located at 4304 Dry Creek Road, Healdsburg; APN 090-200-008; Zoned: LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat) (“the Proposed Project”).

1.2 On or about August 15, 2013, the Dry Creek Valley Citizens Advisory Council (“DCVCAC”) considered the Proposed Project and on a 4:0 vote, recommended denial of the reactivation application citing multiple new wineries and tasting rooms approved in the immediate area of the Proposed Project as changed circumstances surrounding the Proposed Project location; and

1.3 A Revised Mitigated Negative Declaration (“MND”) was prepared for the Project, and on or about November 10, 2014, the MND was posted and made available for agency and public

review in accordance with the California Environmental Quality Act (“CEQA”), 14 California Code of Regulations, §§15000 et seq. (“CEQA Guidelines”) and County CEQA guidelines; and

1.4 On February 19, 2015, the Board of Zoning Adjustments (“BZA”) held a duly noticed public hearing on the MND and the Proposed Project, took public testimony, and by a 5-0 vote, continued the hearing to April 16, 2015, directing the applicant to increase the number of on-site parking spaces on the project site and return with a revised Site Plan depicting the additional parking spaces and a noise assessment prepared by the noise consultant evaluating the anticipated noise levels from the new parking areas and any adjustments needed under the noise level standards adopted in the General Plan 2020.

1.5 On April 6, 2015, the BZA held a further duly noticed public hearing on April 16, 2015, at which time the BZA heard and received all relevant testimony and evidence presented at or before the close of the public hearing regarding the MND and the Project. All interested persons were given an opportunity to hear and be heard. After the close of the public hearing, the BZA discussed the project, and on a 3-1-1 vote adopted the MND and approved the project as modified (“the Approved Project”). The Approved Project included an approximately 17,000 square foot winery and public tasting room building and conversion of an existing 3,200 square foot barn to barrel storage with a 25,000 case maximum annual production capacity; public tasting, retail sales, 12 agricultural promotional events per year (10 with a maximum of 80 guests and two with a maximum of 100 guests); and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests per day. The Approved Project prohibited the two proposed weddings, any use of outdoor amplified sound or music, and a commercial kitchen with a stove, a range, and exhaust hood. The Approved Project allowed a caterers’ kitchen in the tasting room which can include counter space, a double sink, microwave oven(s), and refrigeration. The Approved Project required restoration of the existing on-site seasonal stream, including bank stabilization.

1.6 On April 27, 2015, Andrew Dieden (“Appellant”) filed a timely appeal of the BZA approval of the Project, and on November 9, 2015, submitted additional information to support the appeal;

1.7 On or about September 21, 2017, in response to a request from Permit and Resource Management staff, the DCVCAC considered the Approved Project under then newly adopted DCVCAC advisory Guidelines for Use Permits with Visitor Serving Uses. The DCVCAC voted 5:0 to recommend approval, with recommendations that after-hours events be limited to 50 people, that events be limited to two events per month, that at least 50% of grapes should be sourced from Sonoma County, and that landscaping be used to mitigate neighbor privacy; and

1.8 On October 23, 2018, the Board conducted a duly noticed public hearing on the MND, the Proposed Project, and the appeal. The Board received all relevant oral and written testimony and evidence filed or presented at or before the close of the hearing. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, considered and discussed the MND, the Proposed

Project and the appeal, and by a _____ vote, found the MND had been prepared in conformance with CEQA, approved the MND, denied the appeal and approved the Proposed Project with modifications (“the Project”), subject to the conditions of approval imposed herein.

1.9 The Board has had an adequate opportunity to review this Resolution and the findings and determinations contained herein and finds that this Resolution accurately sets forth the Board’s intentions regarding the MND, the appeal and the Project. The Board’s decisions herein are based upon the testimony and evidence presented to the County orally or in writing prior to the close of the Board’s hearing, including the full record of proceedings. By Board Rule, information submitted after the close of the Board hearing is deemed late and not considered by the Board.

Section 2. CEQA Compliance

2.1 In making its determinations, the Board has gained a well-rounded understanding of the range of the environmental issues related to the Project by its review of the MND, the prior proceedings at the BZA and the DCVCAC, all comments, testimony, letters and reports regarding the MND, and its own experience and expertise in these environmental issues. Prior to making the following findings, the Board has reviewed and considered the evidence and analysis presented in the MND, the information presented in the appeal and post-appeal comments, the technical reports, information and responses submitted prior to and after the BZA hearing, staff responses addressing those reports and comments, the recommendations of the DCVCAC, and all public comments and information submitted at or before the Board hearing. The Board’s findings are based on full appraisal of all viewpoints, all evidence and all information in the record of these proceedings. The Board further finds that the MND reflects the Board’s independent judgment and analysis.

2.2 Based upon the entire record there is no substantial evidence of a fair argument that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the mitigation measures and conditions of approval imposed herein that avoid or substantially lessen all potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant.

2.3 The Board finds that the MND has been completed in compliance with CEQA and that the MND adequately and fully describes and evaluates the changes or alterations to the Proposed Project that have been requested as part of the Project.

2.4 Without in any way limiting the Board’s general findings set forth in this Resolution, the Board makes the following further specific findings regarding environmental impacts of the Project.

a. Aesthetics.

The Project site has a Scenic Resources (SR) zoning overlay because it is in a designated Scenic Landscape Unit and located along Dry Creek Road, a designated County Scenic Corridor. All Project structures are sited more than 300 feet from the centerline of Dry Creek Road, more than the required maximum 200 foot setback applicable to the SR. The agricultural character of the Project structures is consistent with the natural setting of the property and the surrounding vineyards and similar to other agricultural development in this area. The Project structures are approximately 300 feet from the closest residence. The Project improvements are subject to further review by the Design Review Committee for final approval of the site plan, building elevations, circulation, parking, landscaping, irrigation, signage and exterior lighting to minimize visual impacts and to confirm that the proposed design elements, including extensive use of natural materials, varied rooflines, vertical siding and specific landscaping requirements as contained in the Project site plan and draft landscaping plans will be met. All lighting must be downcast and fully shielded. Building height is limited to a maximum of 42-44 feet, as approved by the initial Design Review Committee May 16, 2007.

As mitigated by conditions of approval, the Project will have a less than significant impact on aesthetics.

b. Agricultural Resources

The Project site is designated as Prime Farmland. The 40-acre site has 36 acres of planted vineyards. Approximately 1.51 acres of vineyard will be removed to construct the winery improvements, but 0.64 acres will be replanted elsewhere on the site, leaving only 0.86 acres of vineyard taken out of production. This is an insignificant impact on the Prime Farmlands on the site. There are no forest resources or timberland on the site.

The Project is consistent with the site's land use and zoning designation as Land Intensive Agriculture. The Project complies with General Plan Agricultural Resource Element policies designed to promote and protect current and future needs of the County's agricultural industry. These include recognition that successful promotion and marketing of agricultural products grown in Sonoma County is a principal means of reducing economic pressure to subdivide or convert land to nonagricultural uses. Policy AR-1a permits a wide variety of promotional and marketing activities of Sonoma County grown and processed products on agricultural lands. Visitor serving uses and direct to consumer marketing provide outlets for farm products from throughout Sonoma County and are essential to the economic vitality of family owned and operated wineries.

Wineries with visitor serving components are further supported by Policy AR-4a, which states that the primary use of any parcel within the three agricultural land use

categories shall be agricultural production and related processing, support services, and visitor serving uses.

The existing primary use of the site will remain agricultural production. The tasting room use will promote grapes grown on site and in the local area. The winery and tasting room are combined in one new proposed building of 17,000 square feet. Combined with outdoor guest areas, an outdoor crush pad, the converted barn used for barrel storage and all other improvements, the total development area is a small 1.51-acre portion of the overall 40-acre project site. Tasting room hours are limited, and agricultural promotional events are limited to 12 per year plus participation in eight industry-wide event days. All events are limited in size by conditions of approval.

The parcel is under a prime Land Conservation Act (Williamson Act) contract. Approximately 1.5 acres of vineyard would be removed from production for construction of the proposed winery building, connecting driveways, parking areas, and lawn areas. However, .64 acres of vineyard can be replanted elsewhere on the site. Therefore, 87% of the site would remain under vineyard production in compliance with the County's Uniform Rules for Agricultural Preserves and Farmland Security Zones ("Uniform Rules"), which require at least 50% of the land be in agricultural cultivation to demonstrate that the land is devoted to an agricultural use.

The Project also meets the definition and threshold for a compatible use under the Uniform Rules. Compatible uses are allowed if they are incidental to the primary use of the land for agriculture, listed in the Uniform Rules and meet criteria for compatibility. The County defines "incidental" as collectively occupying no more than 15% of the contracted site or five acres, whichever is less. For the Project's 40-acre site, no more than 5-acres can be in compatible uses. The proposed building, connecting driveways, parking areas and lawn areas are all considered compatible uses and encompass approximately 1.5 acres.

Agricultural promotional events are a compatible use under the Uniform Rules when (1) directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land; (2) events last no longer than two consecutive days and do not provide overnight accommodations; and (3) no permanent structure dedicated to events is constructed or maintained on the contracted land.

The Project will not have events lasting longer than two consecutive days. Overnight lodging is not allowed, and there is no permanent structure solely devoted to event-use. Agricultural promotional events and industry-wide events will take place inside the winery/tasting room building or outdoors, west of the winery/tasting room building.

General Plan Policies AR-5f and AR-6g provide that local concentrations of agricultural-related support services (the winery) or visitor serving uses (the wine tasting and events) may be detrimental to primary agricultural use of the land even if related to surrounding agricultural activities.

Detrimental concentration of such uses is evaluated using the following factors in Policies AR-5f and AR-6g: (1) whether the uses would result in joint road access conflicts or traffic levels that exceed the General Plan Transit Element objectives for levels of service on a project or cumulative basis; (2) whether the uses would draw water from the same aquifer and be located in the zone of influence of area wells; and (3) whether the uses would be detrimental to the rural character of the area.

Analysis of the Project's potential impacts using these criteria shows:

(1) As analyzed in the Project's traffic impact studies prepared by Whitlock & Weinberger Transportation, Inc. ("W-Trans"), there are no joint road access conflicts and Project traffic will not exceed level of service objectives on a direct or cumulative basis. The Project access is directly from Dry Creek Road, designated a Major Rural Collector in the General Plan. W-Trans studies show that based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at Level of Service (LOS) A even during the p.m. weekday peak hour. If the Project's maximum daily trip generation of 46 trips were added to Dry Creek Road entirely at the p.m. or weekend peak hour, which is unlikely, the roadway would still perform at an acceptable LOS B. W-Trans also analyzed levels of service for winery events. While it is more likely that multiple events occurring at the Project and other nearby wineries would have staggered stop and start times, even if five such events occurred in the same roadway area and started or ended in the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would be expected to remain at an acceptable LOS C. Industry-wide events are managed by third parties and most traffic for industry-wide events would be already be using Dry Creek Road, regardless of the Project's participation.

The Project does not make any changes to Dry Creek Road or the Project access which would impede bicycle travel. The Project is required to dedicate sufficient right of way along the Project frontage to provide adequate width for future construction by the County of a future Class II bike route, as provided in the Sonoma County Bicycle and Pedestrian Plan. The rural nature of Dry Creek Road makes any substantial volume of pedestrian traffic unlikely.

The traffic analysis completed for the project by W-Trans demonstrates that Dry Creek Road has the capacity to accommodate the traffic generated by the Project and that the Project does not cause joint road access conflicts.

- (2) The Project is located in a Major Groundwater Zone 1, indicating the most plentiful groundwater availability of the four County zones. The Project's water demand will be relatively small. Based on industry standards, it takes 6 gallons of water to make one gallon of wine. At the maximum capacity under this use permit of 25,000 cases annually, the total annual water demand for the winery is estimated at 360,000 gallons or 0.91 acre feet per year. A typical single family residence uses 0.6 acre-feet per year. Water use assessments performed for other winery projects show that additional water use for the tasting room and events would be much lower than for the winery use. In this case, hours for public tasting and the size and number of special events are limited. Under General Plan Policy WR-2d, conditions of approval require groundwater monitoring for the Project well. Given the estimated use, the groundwater monitoring and the adequate and stable groundwater supply in the Project's groundwater Zone 1, the Project will not result in a significant impact on area wells or the relevant groundwater aquifer.
- (3) The existing rural character of the area consists of vineyards, wineries, tasting rooms, single-family dwellings, a general store, and outdoor recreation. The Project is an agricultural use that conforms to this general development pattern. The 40 acre site currently has 36 acres of vineyard, and after Project construction, 87% of the Project acreage will remain in vineyards. The single winery and tasting room building is located outside of the 200-foot Scenic Corridor setback for Dry Creek Road. The winery building will have an agrarian design, cedar stained board and batten siding and will reduce the reflectivity of the corrugated metal roof, to implement a recommendation made at the initial design review by the Design Review Committee. Conditions of approval require a further final review and approval of the Project by the Design Review Committee prior to the issuance of grading or building permits.

Use Permit approvals specify the annual number of agricultural promotional events for wineries. Multiple wineries within two miles of the Project have been approved for events without a determination that agricultural promotional or industry-wide events are detrimental to rural character. The winery approved with the greatest number of agricultural promotional events in this vicinity is Truett Hurst at 5610 Dry Creek Rd, approved in 2006 for 30 annual agricultural promotional events per year with a maximum of 200 guests. The average number of agricultural promotional events approved at wineries within two miles of the project site is nine. The Project is approved for 12 events with size limits plus participation in eight industry-

wide event days. (The industry-wide events already occur and are managed by third parties.)

No mitigation is required and the Project will have a less than significant impact on agricultural resources.

c. Air Quality.

The Project is within the jurisdiction of the Northern Sonoma County Air Pollution Control District (NSCAPCD). The NSCAPCD does not have an adopted air quality plan because it is in attainment for all federal and state criteria pollutants, although the District occasionally exceeds state standards for PM₁₀. PM₁₀ is a criteria pollutant that is closely monitored in the NSCAPCD. The high PM₁₀ readings occurred in the winter and are attributed to the seasonal use of wood burning stoves. No wood burning stoves are proposed for the Project. The project will have no long-term effect on PM₁₀, because all surfaces will be paved, gravel, landscaped or otherwise treated to stabilize bare soils, and operational dust generation will be insignificant. Short-term emission of dust (which would include PM_{2.5} and PM₁₀) during construction of the improvements is mitigated by dust control measures required as conditions of approval.

Significance thresholds for ozone precursors, carbon monoxide and particulates have been established by the Bay Area Air Quality Management District (BAAQMD), but not by NSCAPCD. The County uses BAAQMD thresholds as a guide to determine levels of significance for air quality impacts, relying on scientific and technical information underlying the BAAQD thresholds.

The principal source of ozone precursors is vehicle emissions. BAAQMD generally does not recommend detailed NO_x and hydrocarbon analysis for projects generating fewer than 2000 vehicle trips per day. Detailed air quality analysis for carbon monoxide is generally not recommended unless project would generate 10,000 vehicle trips per day or contribute more than 100 vehicles per hour to intersections operating at Levels of Service D, E or F with project traffic. The project generated vehicle trips are vastly below any of these thresholds, at no more than 142 average daily trips for the largest size special event.

As mitigated by conditions of approval, the Project will have a less than significant impact on air quality.

d. Biological Resources.

The rear property line borders Dry Creek, and there is a 100-foot setback from the creek, which is designated Biotic Resources (BR). No removal of vegetation or work is proposed in the setback or affecting Dry Creek. Project structures will be in the front half of the site, more than 2,100 feet from Dry Creek.

The Project driveway crosses a small seasonal stream, which affects the entire width of the project site. The existing stream crossing will be improved and widened to meet commercial standards for the winery and tasting room. A pedestrian footbridge over the stream is proposed for pedestrian traffic from the front parking area to the winery building. In addition to a County grading permit, conditions of approval require the applicant to obtain all applicable permits from the State Department of Fish & Wildlife for a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) and all necessary permits from the North Coast Regional Water Quality Control Board for work affecting the seasonal stream. Conditions of approval require the applicant to improve and stabilize the seasonal stream to restore its riparian function.

The conditions of approval require an erosion prevention/sediment control plan containing specified best management practices sufficient to prevent improper runoff into public rights of way, the storm drain system, waterways or adjacent lands.

There are no known wetlands on the site. There are no special status animal or plant species on the site or adjacent to it, and none are listed according to the California Natural Diversity Database. Vegetation on-site is primarily vineyard with a few scattered oak trees and some riparian vegetation along Dry Creek, and there are scattered oak and walnut trees along the seasonal stream. An existing 18 inch oak tree on the seasonal stream bank would have to be removed or relocated elsewhere on the site for the widening of the existing driveway. All proposed tree removal must be shown on grading and drainage plans and trees replaced as required by the County's Tree Protection and Replacement ordinance. There is no known heritage or landmark tree on the project site.

As mitigated by conditions of approval, the Project will have a less than significant impact on biological resources.

e. Cultural Resources

A cultural resources study of the site was conducted by Tom Origer & Associates, September 2, 2006. No prehistoric or historic cultural resources were identified. The vast majority of the site has previously been disturbed for vineyard planting. Although the initial use permit pre-dated A.B. 52, the County initiated an A.B. 52 notification and referral to Native American tribes on July 18, 2017, after the adoption of A.B. 52. No requests for consultation were received. Nevertheless, conditions of approval include the County's standard protocol for accidental discovery of archeologic or paleontologic materials, to require assessment and protection of any such materials discovered.

No mitigation is required, and the Project will have a less than significant impact on cultural resources.

f. Geology and Soils

The Project site is not located in an Alquist-Priolo earthquake fault zone. The Project must meet all standard seismic and soil compaction requirements and structures must meet load and strength standards of the California Building Code (CBC), to protect against seismic shaking and threat of liquefaction. According to the Sonoma County Slope Stability Special Report 120 Map (CA Division of Mines and Geology), the project site is located in a stable, or "A" slope stability area. The project site and surrounding land are generally flat, with a less than significant landslide risk.

Substantial soil erosion and resulting water quality impacts will not occur because detailed engineering, design and best management practices are required of grading permits, including but not limited to silt fencing, straw wattles, construction entrances to control soil discharges, primary and secondary containment areas for petroleum and other products and mandated limitations on work in wet weather. Standard grading inspection requirements are specifically designed to maintain potential water quality during construction. Post construction standards also apply.

The County-adopted grading ordinances and standards and related conditions of approval which enforce them are specific and also require compliance with all standards and regulations adopted by the State and Regional Water Quality Control Board, such as the Standard Urban Storm Water Mitigation Plan (SUSMP) requirements, Low Impact Development and other adopted best management practices.

Soils on the site are expected to support the necessary septic system for the winery, as analyzed in the proposed plans for a mount septic system submitted by Atterbury & Associates, the Project engineer. Standard conditions of approval apply to requirements for septic permitting and construction.

No mitigation is required, and the Project will have a less than significant impact on geology and soils.

g. Greenhouse Gas Emissions.

The County relies on a significance threshold promulgated by BAAQMD to assess greenhouse gas emissions (GHG) as supported by scientific and technical evidence. The threshold finds a project may have significant impacts on GHG emissions if a project would generate more than 1,100 metric tons of CO₂e per year.

For comparison, a recently approved winery project with a much larger case capacity and building size (100,000 cases per year/32,000 sf) was determined to be well

below the state's threshold, according to a GHG analysis prepared by URS Corporation. That project was allowed annual production capacity of 100,000 cases, along with a public tasting room, agricultural promotional events and weddings (PLP12-0009). URS calculated the operation-related GHG emissions for that winery at build out to be 277.3 unmitigated metric tons of CO₂e per year, well below the 1,100 metric ton BAAQMD threshold. As with PLP12-0009, emissions for this Project would be generated by vehicle exhaust, landscape maintenance equipment, natural gas, electricity, and propane consumption, water use, solid waste generation, refrigeration use, and alcohol fermentation. This Project, at 25,000 cases with a smaller structural footprint, would have fewer GHG emissions, and be well below the BAAQMD's operational significance threshold of 1,100 metric tons of CO₂e per year.

Nonetheless, the proposed winery building must continue with being built in compliance with the California Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements. These include, but are not limited to:

- Designated parking for fuel efficient vehicles (min. of 10 % of parking)
- Cool roofs that meet thermal emittance and solar reflectance standards
- A 30 percent reduction in indoor potable water use
- Outdoor potable water use not to exceed 60 percent of acceptable rates
- Recycled content of 10 percent of materials used
- Construction waste reduction of 65 percent, and
- Thermal insulation that meets low emitting materials standards.

The project also is required to meet the WELO (Water Efficient Landscape Ordinance). In addition, the project development must meet the CALGreen Tier 1 standards using technologies that include, but not limited to, passive solar design, natural lighting and ventilation, hydrozone irrigation techniques, low flush toilets, discing grape pomace back into the on-site vineyard, and permeable hardscapes.

No mitigation is required, and the Project will have a less than significant impact on GHG emissions

h. Hazards and Hazardous Materials

The winery as an agricultural processing facility will require the use and transport of materials such as oils, solvents, lubricants, etc. for the use and maintenance of machinery and equipment. The vineyard operation requires the use and storage of pesticides and herbicides on site. The Sonoma County Agricultural Commissioner's office regulates the storage and use of pesticide and herbicides by requiring annual issuance of a Pesticide I.D. and training for persons applying the materials.

Notes are required on all grading and building plans to provide that during all construction activities, any storage of flammable liquids shall be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains. Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment. In the event of a spill of hazardous materials the Project contractor and/or operator will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters.

The Project is not on a list of sites containing hazardous materials maintained by the California Water Resources Control Board, California Department of Toxic Substances Control or California Integrated Waste Management Board. It is not within an Airport Land Use Plan. The Project would not change existing circulation patterns and would have no effect on emergency response routes.

The project is designated by the California Department of Forestry and Fire Prevention (CDF) as an area that is at risk of high wildland fire hazards. General Plan land use policies control where development can occur in all areas of the County, and there is no County prohibition on development in fire hazard areas or the urban wildland interface. The Project is required to meet the County Fire Safe Standards and the California Fire Safe Code as adopted and amended by the County. The County Fire Safe Standards are stricter than State law. The Fire Safe Standards provide specific and effective protection against wildland fire hazard, including but not limited to installation of sprinklers for the new winery and provision of an adequate water supply to prevent any future fire spreading from structures to wildlands.

As mitigated by conditions of approval, the Project will have a less than significant impact attributable to hazardous materials and wildland fire risk.

i. Hydrology and Water Quality

The Project's septic system will be professionally engineered to meet all requirements of County code and will be operated subject to County and State wastewater treatment and disposal requirements, and therefore will not violate water quality or wastewater discharge standards. The Project is in a General Plan Groundwater Availability Zone 1, and not in a marginal or water scarce area. It is

outside of the Dry Creek Valley groundwater basin recharge area per the Department of Water Resources Bulletin 118-4, Volume 1, 1975, "Evaluation of Ground Water Resources: Dry Creek Valley, Sonoma County. The Project will develop a new on-site well. Because of the limited size of the Project and its location in Zone 1, it is not expected to create net deficit in aquifer volume or lowering of the local groundwater table.

There will be no modification of an existing waterway and no creation of runoff that would result in off-site or on-site flooding. Grading and drainage improvement plans are subject to review and approval by PRMD's Drainage Review Section and must include an erosion prevention/sediment control plan which clearly shows that best management practices will be implemented to minimize adverse impacts. The project structure siting meets all required stream setbacks and State permits will be required for improvement of the existing driveway crossing of a seasonal drainage channel near the front of the site. In addition to a County grading permit, conditions of approval require the applicant to obtain and comply with conditions of all applicable permits from the State Department of Fish & Wildlife for a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) and all necessary permits from the North Coast Regional Water Quality Control Board.

The Project site is not within a 100-year floodplain. Although the Project could be affected by a failure of the U.S. Army Corps of Engineers Warm Springs Dam, some miles west of the site, with dam oversight and continued maintenance by the Army Corps, it is highly unlikely that a dam failure affecting the site would occur. No housing is approved with the Project. The Project site is not subject to tsunami or seiche risk, and its location on the valley floor does not expose it to risk of mudflow off of hillsides.

No mitigation is required, and the Project will have a less than significant impact on hydrology and water quality.

j. Land Use and Planning

As discussed in more detail under Section 3.b below, the Project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan objectives to facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories (Objective AR 5.1). Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a Use Permit in the LIA zoning district. The project is consistent with General Plan Goal AR-5, which states that agriculture-related support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. Tasting rooms, agricultural promotional

events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with General Plan Policies AR-6d, AR -1a, AR-4a, and AR-6a.

General Plan Policies AR-5f and AR-6g provide that local concentrations of agricultural-related support services (the winery) or visitor serving uses (the tasting and events) may be detrimental to primary agricultural use of the land even if related to surrounding agricultural activities. This is essentially a cumulative impact issue discussed in Section 2.4b. above

The Project is not in an area which is subject to a habitat conservation plan or a natural community conservation plan.

No mitigation is required, and the Project will have a less than significant impact on land use and planning.

k. Noise

Illingworth and Rodkin submitted updated Noise Assessments on May 13, 2014, October 9, 2014 and two supplemental memoranda regarding parking and a slight change to General Plan noise standards discussed below. All noise assessments were reviewed and accepted by the PRMD Project Review Environmental Health Specialist.

Noise from construction, winery, and event activities meets the Daytime Noise limit standards established in the General Plan, with limited hours of event activities. Amplified music, amplified sound and loud acoustical music are prohibited outdoors. All equipment for indoor amplified music must have sound limiters installed to ensure that Daytime Noise limit standards are met.

A neighboring residence to the north is approximately five feet from the Project site side property line boundary and approximately 170 feet from the proposed winery development. A residence to the south is approximately 60 feet from the side property line boundary and approximately 230 feet from the proposed winery development.

Existing noise conditions on the property are primarily attributable to existing Dry Creek Road vehicle traffic and vineyard traffic associated with grape trucks and employee vehicles. Readings taken 135 feet from centerline of Dry Creek Road found noise levels ranging from 57 to 58 dBA (Ldn readings – using a day/night averaging). Short-term noise readings were higher (i.e., two-minute readings), reflecting noise of passing trucks and vehicles. The noise levels of vehicles entering and leaving the site at 15 mph would not exceed noise standards as measured at the

adjoining residential property lines. Because the noise study found that truck traffic could result in a 68 dBA at 25 feet, mitigation measures incorporated into conditions of approval prohibit nighttime truck deliveries and prohibit the use of truck/trailer or semi-trailers with kingpin to rear axle lengths exceeding 38 feet.

The noise assessments found that mechanical noise related to winery operations such as grape crush and bottling, including use of air-cooled condensing units, pumps and compressors, would increase noise readings at the residential property lines. . The noise assessments conclude that these activities would comply with the noise standard. Winery building construction plans must be reviewed by a professional sound consultant to ensure noise limits at the residential property lines are not exceeded. Crush operations will last approximately six to eight weeks per year and involve unloading of trucks, use of forklifts, pressure washing of grape bins, and related activities. Bottling would be done by a mobile bottling truck (estimated for 17 days a year). Conditions of approval require the rear of the bottling truck be oriented to the west away from sensitive receptors to reduce noise.

The BZA required additional parking for the Approved Project, which was evaluated for noise impacts by Illingworth and Rodkin in a memorandum dated February 5, 2015. The expanded parking areas are located as close as 50 feet from the residential property line to the south and 95 feet from the residential property line to the north. No new or substantially different noise impacts are expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval are required. Noise sources such as engine starts and door slams would generate noise levels that would range from about 50 to 60 dBA at a distance of 50 feet and from 44 to 54 dBA at a distance of 95 feet. These parking lot noise levels would be less than the adjusted daytime NE-2 noise level limit for sounds occurring between 5 minutes and 15 minutes in any one-hour period (L08 noise limit).

In a memorandum dated March 13, 2015, Illingworth and Rodkin also addressed a slight change to the Sonoma County General Plan Table NE-2 noise limits made when the General Plan was adopted in 2008. Base noise limits remained unchanged, but the adjustment process was slightly modified. In 2006, adjustment methodology reduced the applicable standards in Table NE-2 by 5 dBA if the *standards* exceeded the ambient noise level by 10 or more decibels. The current protocol reduces the applicable standards in Table NE-2 by 5 decibels if the *proposed use* exceeds the ambient level by 10 or more decibels. This results in a very subtle difference in methodology, but the changes made do not result in new or substantially different noise impacts at nearby receptors.

As mitigated by conditions of approval, the Project will have a less than significant noise impact.

I. Traffic.

(1) Collision History and Safety.

Collision report analysis of California Highway Patrol data from 2008 to 2013 provided in the February 5, 2015 W-Trans Traffic Impact Study show a slightly higher collision occurrence than the state average for the segment of Dry Creek Road within one half mile to either side of the Project driveway. Existing traffic on Dry Creek Road comes from existing traffic attributable to employees and visitors of existing wineries and tasting rooms, recreational traffic to and from Lake Sonoma and traffic from people living and working in Dry Creek Valley. While the collision occurrence is slightly higher than the statewide average, the total is seven occurrences in a five year period. Of the seven collisions, three were single vehicle collisions with improper turning as the primary factor for two and one for driving under the influence. The other four involved two vehicles traveling in the same direction. W Trans found these four collisions likely attributable to movements at driveways, with three due to drivers attempting to pass vehicles making a turn. This type of collision is often associated with inadequate sight distance or excessive speed. Sight distance for the Project driveway is adequate, based on the facts below. To address traffic safety, the County Department of Transportation and Public Works (DTPW) conditioned the Project to provide driveway improvements as well as right of way dedication along the project frontage for a future Class II bikeway shoulder. All winery staff selling wine must complete a certified responsible beverage service training program with the California Department of Alcoholic Beverage Control.

(2) Sight Distance.

The updated W-Trans Traffic Impact Study, dated February 5, 2015 (see Exhibit K) analyzes the use of the single southern driveway for all traffic generated by the proposed project, after a change required by DTPW to reduce the two driveways proposed to one. The updated 2015 report evaluated the most recent available traffic counts taken along Dry Creek Road by the County in August 2014.

W-Trans measured sight distance from a 3.5-foot height at the location of the driver and 15-feet back from the road edge-line. W-Trans also took a speed survey which indicated that the 85th percentile speed of drivers approaching the driveway was 53 mph. W-Trans used a design speed of 55 mph to capture the actual speed at which drivers are traveling. Based on a 55-mph design speed, AASHTO recommends the sight distances indicated in Table 2 for the associated movements.

Table 2- Sight Distance Evaluation

<u>Type of Sight Distance:</u>	<u>Minimum (feet)</u>	<u>Available (feet)</u>
Outbound Right Turn:	530	800-plus
Outbound Left Turn	610	665
Following Inbound Left Turn	495	535

Sight lines for both inbound and outbound movements meet and exceed the minimum recommendations for the 55-mph design speed. Trimming existing vegetation is required by conditions of approval and per W-Trans would increase sight lines to ensure adequate visibility when drivers are substantially exceeding the 50-mph speed limit.

(3) Traffic Counts and Level of Service.

As analyzed in the Project's traffic impact studies, there are no joint road access conflicts and Project traffic will not exceed level of service objectives on a direct or cumulative basis. The Project access is directly from Dry Creek Road, a Major Rural Collector by General Plan designation. W-Trans' studies show that based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at Level of Service (LOS) A even during the p.m. weekday peak hour. If the Project's maximum daily trip generation of 46 trips were added to Dry Creek Road only at the p.m. or weekend peak hour, which is unlikely, the roadway would still perform at an acceptable LOS B. W-Trans also analyzed levels of service for winery events. While it is more likely that multiple events occurring at the Project and other nearby wineries would have staggered stop and start times, even if five such events occurred in the same roadway area and started or ended in the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would be expected to remain at an acceptable LOS C. Industry-wide events are managed by third parties and most traffic for industry-wide events would be already be using Dry Creek Road, regardless of the Project's participation.

The Project does not make any changes to Dry Creek Road or the Project access which would impeded bicycle travel. The Project is required to dedicate sufficient right of way along the Project frontage to provide adequate width for future construction by the County of a future Class II bike route, as provided in the Sonoma County Bicycle and Pedestrian Plan. The rural nature of Dry Creek Road makes any substantial volume of pedestrian traffic unlikely.

The traffic analysis completed for the Project by a local traffic engineer demonstrates that Dry Creek Road has the capacity to accommodate the traffic generated by the Project.

No mitigation is required, and as modified by conditions of approval, the Project will have a less than significant transportation/traffic impact.

m. Mandatory Findings of Significance and Cumulative Impacts

As analyzed above, the Project will not degrade the environment or otherwise create a significant impact affecting wildlife habitat or species, including species of special concern. No special status plant species was found on the site, and Project development will not affect wetlands or riparian habitat. Grading and streambed alteration permits are required, and will incorporate all applicable standards and protective measures. No cultural or archeological resources were identified on site, and no requests for A.B. 52 consultation were received from area Native American tribes, but accidental discovery measures are imposed as a precaution.

General Plan Policies AR-5f and AR-6g provide that local concentrations of agricultural-related support services (the winery) or visitor serving uses (the wine tasting and events) may be detrimental to primary agricultural use of the land even if related to surrounding agricultural activities.

Detrimental concentration of such uses is evaluated using the following factors in Policies AR-5f and AR-6g: (1) whether the uses would result in joint road access conflicts or traffic levels that exceed the General Plan Transit Element objectives for levels of service on a project or cumulative basis; (2) whether the uses would draw water from the same aquifer and be located in the zone of influence of area wells; and (3) whether the uses would be detrimental to the rural character of the area.

Analysis of the Project's potential impacts using these criteria shows:

- (1) As analyzed in the Project's traffic impact studies, there are no joint road access conflicts and Project traffic will not exceed level of service objectives on a direct or cumulative basis. The Project access is directly from Dry Creek Road, a Major Rural Collector by General Plan designation. W-Trans' studies show that based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at Level of Service (LOS) A even during the p.m. weekday peak hour. If the Project's maximum daily trip generation of 46 trips were added to Dry Creek Road only at the p.m. or weekend peak hour, which is unlikely, the roadway would still perform at an acceptable LOS B. W-Trans also analyzed levels of service for winery events. While it is more likely that multiple events occurring at the Project and other nearby wineries would have staggered stop and start times, even if five such events occurred in the same roadway area and started or ended in the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would be expected to remain at an acceptable LOS C.

Industry-wide events are managed by third parties and most traffic for industry-wide events would be already be using Dry Creek Road, regardless of the Project's participation.

The Project does not make any changes to Dry Creek Road or the Project access which would impeded bicycle travel. The Project is required to dedicate sufficient right of way along the Project frontage to provide adequate width for future construction by the County of a future Class II bike route, as provided in the Sonoma County Bicycle and Pedestrian Plan. The rural nature of Dry Creek Road makes any substantial volume of pedestrian traffic unlikely.

The traffic analysis completed for the project by a local traffic engineer demonstrates that Dry Creek Road has the capacity to accommodate the traffic generated by the Project and that the Project does not cause joint road access conflicts.

- (2) The Project is located in a Major Groundwater Zone 1, indicating the most plentiful groundwater availability of the four County zones. The Project's water demand will be relatively small. Based on industry standards, it takes 6 gallons of water to make one gallon of wine. At the maximum capacity under this use permit of 25,000 cases annually, the total annual water demand for the winery is estimated at 360,000 gallons or 0.91 acre-feet per year. A typical single-family residence uses 0.6 acre-feet per year. Water use assessments performed for other winery projects show that additional water use for the tasting room and events would be much lower than for the winery use. In this case, hours for public tasting and the size and number of special events are limited. Under General Plan Policy WR-2d, conditions of approval require groundwater monitoring for the Project well. Given the estimated use, the groundwater monitoring and the adequate and stable groundwater supply in the Project's groundwater Zone 1, the Project will not result in a significant impact on area wells or the relevant groundwater aquifer.
- (3) The existing rural character of the area consists of vineyards, wineries, tasting rooms, single-family dwellings, a general store, and outdoor recreation. The Project is an agricultural use that conforms to this general development pattern. The 40-acre site currently has 36 acres of vineyard, and after Project construction, 87% of the Project acreage will remain in vineyards. The single winery and tasting room building is located outside of the 200-foot Scenic Corridor setback for Dry Creek Road. The winery building will have an agrarian design, cedar stained board and batten siding and will reduce the reflectivity of the corrugated metal roof, to implement a recommendation made at the initial design review by the Design Review

Committee. Conditions of approval require a further final review and approval of the Project by the Design Review Committee prior to the issuance of grading or building permits.

Use Permit approvals specify the annual number of agricultural promotional events for wineries. Multiple wineries within two miles of the Project have been approved for events without a determination that agricultural promotional or industry-wide events are detrimental to rural character. The winery approved with the greatest number of agricultural promotional events in this vicinity is Truett Hurst at 5610 Dry Creek Rd, approved in 2006 for 30 annual agricultural promotional events per year with a maximum of 200 guests. The average number of agricultural promotional events approved at wineries within two miles of the project site is nine. The Project is approved for 12 events with size limits plus participation in eight industry-wide event days. (The industry-wide events already occur and are managed by third parties.)

The Project is similar and compatible with existing land uses in the area and will not be detrimental to the community's rural character.

Section 3. General Plan, Zoning and Planning Compliance

3.1 General Plan Compliance.

The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and with General Plan objectives to facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories (Objective AR 5.1). Processing of agricultural products of a type grown or produced primarily on site or in the local area (Policy AR-5a) and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a Use Permit in the LIA zoning district. The project is consistent with General Plan Goal AR-5, which states that agriculture-related support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. Tasting rooms, agricultural promotional events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with General Plan Policies AR-6d, AR -1a, AR-4a, and AR-6a.

The primary potential land use conflicts associated with the proposed use for agricultural promotional events are exterior lighting, traffic, and noise. Conditions of approval have been incorporated into the project to reduce potential impacts to a less than significant level. As analyzed under Section 2.4.b and 2.4.m of this Resolution, under the criteria in General Plan

Policies AR-5f and 6g, the Project does not result in a detrimental concentration of uses on agricultural lands. Similar to findings made on recently approved projects, adding one more winery and tasting room along Dry Creek Road does not result in a detrimental concentration of uses because the project generated traffic will not result in road access conflicts and would not exceed the acceptable level of service for Dry Creek Road (LOS C). Unlike other rural roads in agriculturally-zoned areas, Dry Creek Road is a wide, well-maintained County roadway. Dry Creek Road is designated as a future Class II bike route in the Sonoma County Bicycle and Pedestrian Plan. To provide for the planned future bike lanes, conditions of approval require the Project applicant to dedicate adequate right-of-way along the Project frontage to accommodate future County bike lane construction. The Project does not make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel. In addition, the Project site is in a Zone 1 groundwater area and the building design is in character with the rural area.

3.2 Zoning Consistency.

The Project is approved under Economic Stimulus Ordinance No. 5929, in effect at the time of the Project application in 2012. At that time, Ordinance No. 5929 allowed reactivation of certain expired use permits, subject to review and imposition of conditions. The Proposed Project use permit was originally approved in 2007, and a one-year extension of the life of the permit was approved in 2009.

The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows the following under Section 26-04-020 (i) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries, which are a marketing tool that promotes wines produced at the winery. The Zoning Ordinance does not limit the number of agricultural promotional events allowed on agricultural zoned parcels. PRMD data indicates that the average number of approved agricultural promotional events at wineries within the Dry Creek Valley appellation is 13. 12 agricultural promotional events are approved on the Project plus eight industry wide event days, consistent with this average. Processing (the winery) is allowed in the LIA with a use permit under Section 26-04-020(f).

3.3 The Land Conservation Act.

The project is consistent with the Land Conservation Act (Williamson Act) because (1) the Project will be supportive of agricultural use on site and in the local area due to the processing facility's enhanced capabilities which would process more grapes than is currently possible on-site; (2) the Project will not affect or impede agricultural use on adjacent properties; (3) the Project property will continue to be devoted to agricultural use because approximately 85% of the Project acreage will remain planted in vines; (4) all other uses, including the winery, barrel storage, tasting room, associated parking, landscaping and outdoor activity area, are compatible with the agricultural use of the property, consistent with Williamson Act principles

of compatibility and the County's Uniform Rules; (5) the total acreage in compatible uses will collectively occupy no more than 5 acres of the Project site to ensure that they remain incidental to the primary use of the land for agriculture; (6) displacement of vines will be limited to 1.5 acres, and 0.64 acres of vines will be replanted on site, resulting in less than one acre of vines removed, a less than significant net loss of usable agricultural area; (7) operation of a tasting room and other agricultural promotional events is consistent with the Williamson Act because they are marketing tools to help sell wine produced on-site and ensure the long term viability of the vineyard and winery; (8) no permanent structures solely devoted to agricultural promotional event activities will be constructed on the site, no special event will last more than two consecutive days, and overnight accommodations will not be provided in conjunction with any special event; and (9) the twelve agricultural promotional events and eight industry-wide event days approved for the Project are annually limited in number, duration, and scope to ensure that any increase in the temporary human population drawn to the site will not hinder or impair agricultural operations.

3.4 General Use Permit Finding.

The establishment, maintenance or operation of the use for which the Project 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 neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are set forth above and include, but are not limited to the following. Dry Creek Road is adequate to support traffic associated with the use. The Project will not compromise agricultural capability because the proposed use is related to agriculture. Mitigations have been incorporated into the Project to ensure that noise from construction, winery, and event activities meet the Daytime Noise limit standards established in the General Plan, with limited hours of event activities, prohibition of outdoor amplified music, sound and loud acoustical musical instruments, and requirements to install sound limiters on equipment for indoor amplified music. Exterior lighting must be low mounted, downward casting and fully shielded to prevent glare, lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated. The project meets the Scenic Landscape designation criteria with the winery building located outside the 200-foot Scenic Corridor setback. Project structures are designed to be compatible with the agrarian character of the surrounding neighborhood and are similar in size, scale and use to other area development. Conditions of approval require improvement and stabilization of the seasonal stream on the Project site to restore its riparian function.

4. Additional Finding.

4.1 The findings and determinations set forth in this resolution are based on the entire record of these proceedings. References to specific statutes ordinances, regulations, standards, reports or documents in a finding or determination are not intended to identify those sources as the exclusive basis for the finding or determination.

NOW, THEREFORE, Be It Further Resolved that based on the foregoing findings and determinations and the full record of these proceedings, the Board hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Revised Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval are adopted.
3. The Appeal is denied.
4. The Use Permit is reactivated for the Project as presented in the Site Plan and Drawings entitled "Hale Winery" and dated March 13, 2015, subject to modifications in the Conditions of Approval, including a Mitigation Monitoring Program, as shown in Attachment "A," attached hereto, and incorporated herein by reference.
6. Staff is directed to file and post a Notice of Determination of this action pursuant to the California Environmental Quality Act within five (5) days of the date of this resolution.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:	Rabbitt:	Zane:	Hopkins:	Gore:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.

State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

7. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
8. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
9. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
10. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Any waste water conveyance system shall not be allowed to be combined with the storm water conveyance system.
11. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
12. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
13. Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.
14. Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation the lowest structural component.
15. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.
16. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain

any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.

17. The applicant is responsible to contact the California Department of Fish & Wildlife and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

18. Prior to building permit issuance the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

19. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform), arsenic and nitrate analysis results of a sample of the winery/wine tasting well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:
- a. A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a condition of this Use Permit in order to meet State and Federal MCL's and provide potable water to all plumbing fixtures.
 - b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.
20. Prior to the issuance of building permits the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Drinking Water Program because it has determined that more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Drinking Water Program in order to obtain appropriate raw water source sampling requirements. (This process should begin as soon as possible, as the application, plan check and sampling will take some time.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD.
21. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-

foot annular seal cannot be obtained, then a new water well may be required.

22. Prior to the issuance of any building permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

23. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

This project is approved for agricultural promotional events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100 % percent of the wastewater flow from an event with 50 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system, including the 6 employees listed in the traffic study.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

24. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
25. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of any existing wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel special events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate special events shall be 100% of 50 guests.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

26. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

Consumer Protection:

27. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

If the project will operate under a Wine Tasting Room Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
- b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
- c. Note that this Use Permit requires that if any of the following items are new or replacement installations they shall be built to CalCode standards: all flooring, counter tops, restrooms and sinks in the food or beverage service area. The goal is to minimize the need to replace new materials when a small change in the menu triggers the need for a Food Facility permit.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions. An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Noise:

28. NOTE ON GRADING, IMPROVEMENT, AND BUILDING PLANS: Construction activities associated with this project shall be restricted as follows:
- a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
 - b. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
 - c. There will be no start up of machines nor equipment prior to 7:00 a.m., Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m. nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.
 - d. Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
 - e. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
 - f. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of each building/grading permit. The Project Manager's phone number shall be conspicuously

posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: PRMD staff shall ensure that the note listed above has been placed on all grading, building or improvement plans associated with the winery development prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

29. Prior to building permit issuance, the final design and location of the noise-generating mechanical equipment shall be reviewed and cleared by a professional sound consultant to ensure compliance with Table NE-2 in Condition #42. A letter from the professional sound consultant shall be included with the Building permit application for the winery building and a copy provided to the Project Review Environmental Health Specialist and Project Planner.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until the letter from the professional sound consultant approving the noise-generating mechanical equipment and location has been submitted to PRMD.

Solid Waste:

30. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance.

PRIOR TO OCCUPANCY:

Noise:

31. Prior to final or temporary occupancy approval of the winery and tasting room building, a professional sound consultant shall work with the project construction manager or electrician to oversee the installation of the winery's amplification equipment systems to ensure they have been properly fitted with a sound limiter(s), including personal computer speakers. Sound limiter(s) shall be correctly fitted ensuring that the Daytime Noise Standards will not be exceeded with any use of amplified music or sound indoors at the winery site, including the tasting room. Use of outdoor amplified sound or music is not permitted. This restriction does not apply to personal listening devices used by employees.

Mitigation Monitoring: Prior to final or temporary occupancy approval by PRMD of the winery building, a professional sound consultant shall submit letter to the Project Review Environmental Health Specialist and Project Planner at PRMD confirming that the winery's amplification equipment system(s) has been correctly fitted with a sound limiter(s) ensuring that the Daytime Noise standard of the General Plan would not be exceeded with the use of amplified music or sound indoors at the winery site, including the tasting room.

Water:

32. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

33. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation

and at least on an annual schedule thereafter.

34. A safe, potable water supply shall be provided and maintained.
35. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
36. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

Septic:

37. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
38. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
39. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
40. When permitted agricultural promotional events exceed 150 persons, the permit holder shall provide portable toilets meeting the following minimum requirements:
 - a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.
 - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment system or public sewer.
 - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
 - d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
 - e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
 - f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the agricultural promotional event and at future agricultural promotional events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 1. The holding tank does not leak or overflow.
 2. Toilet paper is promptly replaced when the dispenser runs out.

3. Water, paper towels and soap are promptly replaced when the hand washing units run out.
4. The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
5. Reliance upon portable toilets shall not create a public nuisance.

Consumer Protection:

41. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting and agricultural promotional event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages. Contact the Environmental Health & Safety Section at 565-6547 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health & Safety Section at 565-6548 for further information regarding caterers. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

Noise:

42. Noise shall be controlled in accordance with Table NE-2 as adjusted below and Policy NE-1c of the Sonoma County General Plan as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Residence 1 Daytime (7 a.m. to 10 p.m.)	Residence 2 Daytime (7 a.m. to 10 p.m.)
L50 (30 minutes in any hour)	45	47
L25 (15 minutes in any hour)	50	55
L08 (4 minutes 48 seconds in any hour)	55	60
L02 (72 seconds in any hour)	60	65
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. Table NE-2 was adjusted upward a maximum of 5 dBA at residence 2 due to high ambient conditions and then Table NE-2 was reduced at all locations by 5 dBA due to events consisting of speech and music.		

Hourly Noise Metric ¹ , dBA	Residence 1 Nighttime (10 p.m. to 7 a.m.)	Residence 2 Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	45	45
L25 (15 minutes in any hour)	50	50
L08 (4 minutes 48 seconds in any hour)	55	55
L02 (72 seconds in any hour)	60	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. Table NE-2 was not eligible for nighttime adjustments due to low ambient levels and no nighttime events are allowed.

43. Agricultural promotional events shall be limited to the hours of the Daytime Noise Standard noted above (currently 7:00 AM to 10:00 PM). Event guests shall exit the site by 9:00 pm. Clean up shall be completed and employee shall exit the site by 10:00 p.m. Industry-wide events shall be limited to the approved tasting room hours. No overnight accommodations are authorized by this Use Permit.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that events are being conducted past 9 p.m., or cleanup is occurring after 10:00 p.m., PRMD staff would investigate the complaint and if the condition is violated the Use Permit may be subject to modification or revocation proceedings, as appropriate.

44. For winery operations, nighttime truck deliveries are not allowed between 10 PM and 7 AM. Trucks for winery operations shall only use the south driveway. No winery truck traffic is allowed on site with trailers or semi-trailers with kingpin to rear axle lengths exceeding 38 feet.

Outdoor crush or bottling activities shall only occur during the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). The mobile bottling truck shall be parked behind the winery building with the rear of the bottling truck oriented to the west away from sensitive receptors (neighboring residences). During bottling activity, the rear of the bottling truck shall be oriented to the west, away from neighboring residence.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures, if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

45. Any use of the amplified music or sound is allowed indoors only in conjunction with the tasting room use, agricultural promotional events, or industry wide held at the winery site shall be limited to using only the amplification equipment system(s) fitted with a sound limiter(s). No outdoor amplified music or sound is permitted.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

46. The use of quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) is allowed outdoors at the winery site when in compliance with the Noise Element of the Sonoma County General Plan. The use of very loud non-amplified musical instruments (such as horns, drums and cymbals) is not permitted outdoors at the winery site under any circumstance.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

Solid Waste:

47. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

48. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
49. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

50. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width as necessary to create public right-of-way a total of thirty (30) feet wide on the Developer's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Dry Creek Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
51. Right-of-way shall be dedicated as roadway easement. The Developer shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. The deed shall be recorded prior to clearance of this condition.
52. The Developer shall construct or install improvements described as follows:
- a. Supplement the width of Dry Creek Road in the northbound direction to create the improved roadway described below. The maximum improved road width, measured between the roadway centerline and the new easterly edge of pavement, is 20 feet. The improvements shall include:
 1. A twelve (12) foot wide travel lane;
 2. A minimum 100-foot long, eight (8) foot wide paved shoulder, centered on the extension of the center of the Developer's new driveway entrance;
 3. Paved tapers at both ends of the widening; the taper length shall be based on Caltrans design requirements for left-turn lane approach tapers and a design speed of 30 miles-per-hour.
 4. Two (2) foot wide shoulder backing as needed along the new edge of pavement.
 5. A California-licensed land surveyor or other qualified person shall provide a written statement, to the Land Development Section in the Department of Transportation and Public Works, as to the sufficiency of the public right-of-way on the opposite side of the road for constructing the improvements stated above. This condition is void in its entirety if it is demonstrated the County will have to acquire the necessary property rights to construct the improvements.

- b. The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, re-striping, drainage facilities, metal beam guardrailing, overhead utilities relocation, etc, all as necessary to create the required widths and structural section(s).
53. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The pavement design for Dry Creek Road shall be based on a Traffic Index (TI) of 10.0. A soils report for public road purposes is not required for a design based on an R-value of 5.0.
54. To allow for the smooth and safe movement of passenger vehicles and single-unit trucks entering and exiting the public road that provides access to the property, the Dry Creek Road entrance shall conform to AASHTO recommendations. More specifically, the Developer shall construct a driveway meeting the following criteria:
- a. A minimum paved throat width of 24 feet;
 - b. Entrance curves having a minimum pavement radius of 40 feet; the entrance curves shall begin on a line that is 20 feet distant from, and parallel with, the physical centerline of Dry Creek Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
 - c. The driveway shall enter Dry Creek Road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
 - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Dry Creek Road.
 - e. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the edge of pavement. The portion of the entrance located within the public right-of-way shall be paved to provide for a Traffic Index (T.I.) of 10.0.
 - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814 (www.sonoma-county.org/tpw/pdf/const_std/814.pdf), for private road and driveway intersection details.
 - g. The entrance improvements shall be in place prior to commencement of the approved activity.
55. Prior to issuance of building permits, a stabilized entrance for on-site construction activity shall be constructed to meet the following criteria:
- a. The entrance shall be of sufficient width to accommodate two-way traffic.
 - b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
 - c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with AASHTO requirements for the speed traveled on the public road(s) providing construction access. If necessary, existing vegetation along the project site road frontage may require trimming.
56. To provide for the orderly and efficient movement of vehicles entering the site, and to minimize traffic impacts on the public road, the Developer shall provide on-site traffic control for all events requiring overflow parking. Traffic control shall be located off of the public road.
57. The Developer shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.
58. The Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24 inch by 36 inch sheets for review. The Plans shall include roadway cross-

sections, at a maximum interval between cross-sections of 50 feet.

59. Plan checking fees and inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.
60. Prior to issuance of any building permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
61. Plans for all required improvements shall be submitted to the office of the County Surveyor in PRMD for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any grading permit for the project. Either the public road improvement plans shall be signed by the Director of DTPW prior to the issuance of a building permit or the Developer shall obtain signed approval from the Director of DTPW. The improvement plans shall be signed by the Director of DTPW prior to the issuance of an encroachment permit for public road improvements.
62. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
63. Prior to occupancy of any new building or new use of an existing building which result from this application, the Developer shall complete construction of all the required public improvements.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

64. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
65. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
66. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
 - a. Tent Permit. The owner or occupant shall obtain a Fire Code Operational Permit for the erection of any temporary tents which exceed 400 square feet in area, or the erection of any temporary canopies (open on all sides) which exceed 700 square feet in area, each time such structures are erected.
67. Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to the following:
 - a. Access roads: Approved (CFC) fire apparatus access roads shall be provided.
 1. Facilities having a gross building area of more than 62,000 square feet shall be provided with at least two separate and approved fire apparatus access roads.
 2. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.

3. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) not less than 20 feet in width (26 feet for aerial access) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of all buildings as measured by an approved route around the exterior of the building or facility.
4. Where a bridge is part of a fire apparatus road the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Approved signs indicating the load carrying capability of bridges shall be provided at each end of bridges.
5. Where gates or similar barriers are installed across access roads, gates shall be installed in compliance with fire regulations and provided with an approved lock as required by the fire code official.

b. Premises Identification: Approved road names, address numbers, building numbers and other building identification shall be provided.

c. Fire Protection Water Supplies: An approved (NFPA 1142 and/or CFC) water supply system capable of supplying the required fire flow for fire protection shall be provided to premises.

1. Minimum fire flow shall not be less than 1500 gallons per minute.
2. Fire hydrants shall be spaced not less than 500 feet apart along fire access routes.

d. Emergency Responder Radio Coverage. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building.

68. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with the California Fire Code as adopted and amended by Sonoma County Code.

PLANNING:

“The conditions below have been satisfied BY _____ DATE _____

69. This Use Permit allows construction and operation of a winery and tasting room within a single building approximately 17,000 square foot in size (see below for building features), along with a 6,000 sq. ft. outdoor event area with a 25,000 case maximum annual production capacity, and the use of an existing barn (approximately 3,200 sq ft.) to store barrels. The use includes public tasting and retail sales. This Use Permit allows twelve agricultural promotional events per year (ten with a maximum of 80 guests and two with a maximum of 100 guests) and participation in industry wide events totaling no more than eight event days per year with a maximum of 100 guests on the site at a time up to a maximum of 300 guests per day. A maximum of 20 annual event days is permitted, including both agricultural promotional events and industry wide events. Events shall not occur more than two consecutive days. All events shall promote the agricultural product grown or processed on site. The uses shall be conducted in compliance with the proposal statement, site plan, technical reports and other submittals as modified by these approved conditions of approval. The project site is under a Land Conservation Contract. The Use Permit does not authorize overnight accommodations, concerts, weddings, or the use of outdoor amplified music or sound. The winery facility shall not be rented out to third parties for events. Refer to Project Plans dated March 13, 2015.

The single winery building comprises of the following uses:

- Fermentation & laboratory (approximately 5,284 square feet)
- Barrel storage (approximately 5,000 square feet)
- Office & Administration (approximately 2,028 square feet)

- Commercial kitchen (approximately 256 square feet)
- Tasting and retail (approximately 3,258 square feet)

Other site improvements:

- Outdoor special events area with outdoor wine bar (6,000 square feet).
- Outdoor Crush pad (1,600 square feet)
- Detached barrel storage building- conversion of existing barn (approximately 3,200 square feet)

70. The approved hours of operation are as follows:

- | | |
|-------------------------|---|
| Winery: | 7:00 a.m. to 5:00 p.m., Monday thru Saturday (non-harvest season) and 7:00 am to 10:00 p.m., 7 days per week (harvest season) |
| Tasting room: | 10:00 a.m. to 5:00 p.m., 7 days a week. |
| Industry-wide events: | 10:00 a.m. to 5:00 p.m. (same as tasting room hours of operation) |
| Ag Promotional Events: | 2:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and cleanup shall cease by 10:00 p.m. |
| Ag Promotional dinners: | 6:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and cleanup shall cease by 10:00 pm |

71. Employees: Five full-time employees, plus four seasonal employees during harvest.

Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP05-0062.

72. This Use Permit (PLP05-0062) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.

73. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County’s direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates, and to report the actual events from the previous year. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.

PRIOR TO GRADING OR BUILDING PERMIT ISSUANCE

Planning Fees:

74. This “At Cost” entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
75. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.

Design Review:

76. Prior to issuance of any grading permit for the winery development project, the Design Review Committee shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements. The building plans shall depict the building height elevations and design with building heights

no higher than the range of 42 feet to 44 feet in height, as approved by the Design Review Committee on May 16, 2007. Any landscaping or signs placed near the project driveway should be either low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained. Furthermore, the applicant shall comply with the recommendations listed on the DRC Action Sheet, dated May 16, 2007, and any subsequent DRC recommendations.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify exterior building colors, landscape improvements, signage, and exterior lighting have been installed in accordance with approved plans.

77. Prior to issuance of final occupancy on any related building permit, landscape planting and irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

78. Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties or the night sky. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit for the winery building until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and, if warranted, require the property be brought into compliance or initiate procedures to revoke the permit.

79. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural) standards from Title 24 effective October 2005.

Other Requirements:

80. Prior to issuance of any grading or building permit, the applicant shall obtain all necessary permits or waivers for the proposed work in or near a waterway, specifically, the stream crossing necessary for the project's driveway and pedestrian bridge. Any stream crossing requires plans prepared by a Registered Civil Engineer. Besides a grading permit from PRMD, all applicable permits must be obtained from the State Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) and the North Coast Regional Water Quality Control Board for a 401 Water Quality Certification (401 Certification) 404 Permit. The applicant shall implement the following Best Management Practices with any work in or near the stream, and the following:
- Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.
 - Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation the lowest structural component.
 - For any culvert or bridge crossings, silt fencing shall be installed prior to any grading activities. Silt fence consists of synthetic filter fabric (also called a geotextile) and shall be installed around the periphery of the

work area with openings provided for construction crew and equipment access only. This temporary fencing will prevent construction debris from entering the streambed.

- d. Proper erosion control and other water quality Best Management Practices (BMPs) shall be implemented to avoid sedimentation and disturbance in the streambed and downstream.
- e. All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and in a manner that will prevent potential runoff of petroleum products into the adjacent streambed. During construction, oil-absorbent and spill containment materials shall be on site at all time. All construction workers shall be properly trained and informed of how to use and where to find on site the oil-absorbent and spill-containment materials. Following construction each day, trash and construction debris shall be removed from the stream crossing area.
- f. Following construction each day, trash and construction debris shall be removed from the stream crossing area.
- g. Only the minimum amount of vegetation will be pruned or removed that is necessary to install the culverts or bridges at the stream-crossing. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Root systems shall only be unearthed when necessary.

Mitigation Monitoring: PRMD shall not issue any grading or building permits, until the applicant has provided copies of all required permits from the State Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board, and any documentation deemed necessary by the Grading & Storm Water Section of the Permit and Resource Management Department.

81. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
82. 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 fifty (50) years of age including trash pits older than fifty (50) 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."

Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans.

83. 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.

CONSTRUCTION PHASE REQUIREMENTS:

84. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:
- a. Water all active construction areas at least twice daily
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
 - f. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
 - g. Limit traffic speeds on unpaved access roads to 15 mph.
 - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - i. Replant vegetation and ground cover in disturbed areas as quickly as possible. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. The following dust control measures shall be followed during construction:

Mitigation Monitoring: If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it's determined by PRMD staff that complaints are warranted, the Permit Holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

85. The following Note shall be placed on Grading and Building Plans:

“During all construction activities, any storage of flammable liquids shall be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. In the event of a spill of hazardous materials the Project Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters. During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code. A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains. Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill. Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.”

Mitigation Monitoring: The Permit and Resource Management Department shall not issue a grading permit or building permit for the winery development until the above notes are printed on the building and grading plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

86. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
87. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

PRIOR TO OCCUPANCY:

88. Prior to final or temporary occupancy of the winery building, bicycle racks shall be installed near the parking lot (refer to the Sonoma County Parking Regulations –Zoning Code Sec. 26-86-010). One bicycle parking space be provided for every 5 spaces required for automobiles. Please use Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals (http://drusilla.hsrc.unc.edu/cms/downloads/BikePark_Guidelines.pdf).
89. For parking, the applicant shall maintain the two separate public parking areas, providing a total of 65 standard parking spaces and one handicap accessible parking space to serve the winery and tasting room uses. The front parking area, just east of the seasonal creek, contains 48 standard parking spaces. The second parking area located adjacent to the winery and tasting room building contains 17 standard parking spaces and one handicap- accessible parking space. An additional parking area will be located near the south end of the fermentation building, used for truck and employee parking, as depicted on the Parking Plan prepared by Atterbury & Associates, dated March 13, 2015. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
90. Prior to final or temporary occupancy of the winery and tasting room building, the applicant shall restore, stabilize, and improve as necessary, the seasonal streambanks located in the front portion of the project site, subject to review and approval of all necessary permits by the State Department of Fish and Wildlife and North Coast Regional Water Quality Control Board.

OPERATIONAL REQUIREMENTS (ON-GOING):

91. If pomace is to be disposed of, it shall be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
 - a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints regarding objectionable odors from pomace stockpiling and/or disposal, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

92. Parking of vehicles and/or trucks associated with this winery facility is not permitted along any public or private roadways, or shared vineyard roads with adjacent property owners.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that vehicles and/or trucks associated with this winery facility are being parked along public roadways, PRMD staff will investigate the complaint and if the condition is violated the use permit may be subject to modification.

93. For both the industry-wide events and the agricultural promotional events, at least two parking attendants shall be on duty to direct and guide the on-site parking of guest vehicles. Parking attendants shall remain on duty throughout the duration of the events.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that parking attendants are not on duty during industry-wide events or agricultural promotional events, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

94. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

95. 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 26-92-120 and 26-92-140 of the Sonoma County Code.
96. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
97. Two-Year Review. A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval applicable to events. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.
98. Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year.

99. Customer and Site Visitor Management. The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
100. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.
101. Staff Training. Within 90 days from issuance of a Certificate of Occupancy or if no building permit is required, within 90 days of issuance of the Use Permit, all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. New owners, managers, and employees shall complete the training course within 30 days of the date of ownership or employment and every third year thereafter. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and presented upon request by a representative of the County.
102. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
- a. Tasting Room: Samples or tastes of pre-packaged non-potentially hazardous foods, such as crackers, nuts or other palette cleansers, featuring local foods and food products offered in conjunction with wine tasting.
 - b. Agricultural Promotional Event Meals: Prepared meals or appetizers featuring local foods and food products offered in conjunction with agricultural promotional events, such as winemaker dinners. Such meals/appetizers may be prepared in a food preparation area prior to serving as described on the approved project floor plan. The preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), and refrigeration. The outdoor pizza oven is not allowed.
 - c. Food and Wine Pairing: Food and wine pairing may occur in conjunction with agricultural promotional events. Food and wine pairings shall be selected by the winery with no menu options allowed. Such pairing shall be limited to small appetizer-like portions
 - d. Retail Sales: Retail sales of pre-packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
 1. Retail sales of pre-packaged food featuring local foods and food products shall be permitted only during tasting room hours as approved by this Use Permit.
 2. Retail sales of pre-packaged food available for on-site consumption only.
 3. No indoor seating area or table service is permitted in conjunction with retail sales of pre-packaged food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 4. No off-site signs advertising retail sales of pre-packaged food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
103. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
104. In any case where a Use 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 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 26-92-130 of the Sonoma County Code.

Planning Commission/Board of Zoning Adjustments

Appeal Form

PJR-021

To: Board of Supervisors
County of Sonoma, State of California

File # PLP05-0062

Appeal is hereby made by: ANDREW L. DIEBIEN
Please Print

Mailing Address: 4391 DRY CREEK ROAD
HEALDSBURG, CA 95448

Phone: 415 302 2694 Email: ADIEBIEN@YAHOO.COM

The Sonoma County Planning Commission / Board of Zoning Adjustments (circle one) on

APRIL 16, 2015, approved / denied (circle one) a request by

KENNETH AND DIANE WILSON for USE PERMIT

located at 4304 DRY CREEK ROAD, HEALDSBURG, CA 95448

APN 090-200-008 Zoned A6 Supervisorial District 4

This appeal is made pursuant to Sonoma County Code Chapter 26 Section 26-92-160 for the following specific reasons:

PLEASE SEE ATTACHED

Date: APRIL 27, 2015 Appellant: [Signature]
Signature

Appeal Fee: See current PRMD Project Review Fee Schedule

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

This appeal was filed with the Permit and Resource Management Department on the 27th day of April, 2015, receipt of which is hereby acknowledged.

[Signature]
PRMD Staff

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-1103

County of Sonoma
Permit and Resource Management Department

April 27, 2015

File No. PLP05-0062,
4304 Dry Creek Road
APN 090-200-008

APPEAL TO THE BOARD OF SUPERVISORS

Attachment to Appeal Form PJR-021

The basis for this Appeal includes information contained in in the Staff Report, testimony from the February 19, 2015, and April 16, 2015, BZA hearings, and the errors specified below.

1. **Procedural Errors:** A. **Notice.** The original approval for this project was given in 2007, without a hearing and without notice to affected neighbors as was given for this "reactivation" of the Use Permit and Design Review. Since the original approval, Applicant's permit has lapsed completely and conditions in the surrounding area have changed, dramatically. Applicants should be required to submit an entirely new Use Permit application.

Further, the Board of Supervisors has pending a formal request for official guidelines for "events", yet the BZA approved many events for this project using the same non-criterion for event approval that created the need for the official guidelines in the first place. This is a mistake that will no doubt create unsafe circumstances on Dry Creek Road resulting in severe bodily injury and perhaps death. Please see the "Traffic" section, below.

B. Number of events, event days, and no "new information".

At the initial, February 19, 2015, BZA hearing, the Commissioners resolved to limit Applicants' event dates to **14 days, total**, including 4 days for industry-wide events. The February 19 Board did not identify this issue as subject to review at the subsequently scheduled April 16, 2015, hearing.

Then, on April 16, 2015, without new information presented, the newly constituted Board, improperly increased the original Board's resolution on number of events and event dates to 18 days. This unauthorized expansion of the originally approved event total should be reversed and the original 14 day total reinstated.

2. **Applicants' History of Noncompliance:** In addition to the subject property, Applicants own the Wilson Winery at 1960 Dry Creek Road. According to Appendix A of the "Sonoma County Permit and Resource Management Department Winery Permit Approvals as of June 2014", page 5, ledger no. 204, (attached as "Exhibit A") the Wilson Winery is not authorized to conduct events. Yet, according to the Wilson Winery "Event Planning" web page ("Exhibit B") , Applicants host an apparently unlimited number of unauthorized events with "Capacity: 50 Guests" at the Wilson Winery.

The Staff Report, on Page 20, Issue No. 9., reads, "The County typically does not issue further entitlements or permit approvals when there are recorded code violations on the same property. There are no code violations on the project site."

The Staff Report does not dispute Applicants' noncompliance and *admits* that County policy denies permit approvals when there are code violations. Staff's attempt to distinguish the *present* application by stating there are no code violations on the *undeveloped project site itself* is as untenable as the contention that motorists with revoked licenses should be eligible for new ones if they only buy a new car.

The reason for Sonoma's policy denying further approval is to punish and deter known Code violators. **No** violator should be rewarded with additional entitlements that will only punish the folks who play by the rules. As with the recent Bella situation, wineries with a track record of operating outside the rules should be held responsible.

3. **Outdated, Inaccurate, Incomplete Traffic Analysis:** The traffic analysis conducted by W-Trans, Applicants' contractor, is predicated on "counts collected by the County on *August 25, 2011*" (p.1, ¶ 2, *emphasis added*). As detailed in the Revised Mitigated Negative Declaration, many new wineries have been approved in the three years since the County collected data. Even based on 2011 counts, the collision rate for that stretch of road exceeds the statewide average. Also, the winery staff and truck traffic is vastly underestimated. For instance, the report assumes that just **SIX employees** will be required to serve the 100-person events. It'll likely take six employees just to park cars. A reasonable estimate is an average of 65 additional car trips on Dry Creek Road, per day.

Moreover, Dry Creek Road also serves Lake Sonoma boat traffic, so increased braking times should be considered in any traffic analysis. The Report also fails to account for bicycle traffic, which tends to be especially heavy at the same times the proposed events will be conducted. The proposed entry location is on a curve of 30-foot wide, 50 mph highway with **no shoulder**. The location is already a traffic hazard. To approve the proposed project would expose the County to a multitude of colorable legal causes of action filed by injured citizens.

4. **Incomplete Noise Analysis with Vague Requirements:** Applicants' contractor recommended that sound amplification equipment be fitted with a "limiter" to prevent the sound level from exceeding 67 dBA at a distance of 50 feet. This recommendation should be a requirement, not merely something referenced as a potential way to reduce amplified sound.

Conclusion.

The proposed project, in the form submitted, would be a big mistake. The "events issue" is a major problem that needs to be resolved officially before this project can be appropriately considered. Until then, winery use permits that do not include permission to conduct events should be enforced.

As it did with the BZA, Appellants request the Board of Supervisors to require Applicants to rewrite and resubmit the present application with specific, accurate, and complete data from which the Board can make an informed decision. In the alternative, if the Board decides the project must be approved in some form, the winery size, number of events, and event size should be reduced by at least 60% to ensure public safety and the character of the surrounding area.

Respectfully submitted,



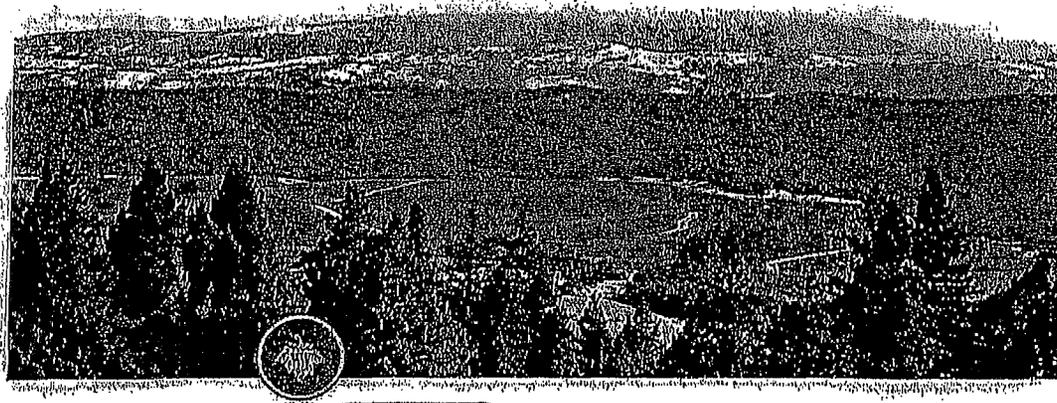
Andrew L. Dieden
Dieden Vineyard
4391 Dry Creek Road
Healdsburg, CA 95448
(415) 302-2694

Appendix A: Sonoma County Permit and Resource Management Department Winery Permit Approvals as of June 2014

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Permit Number	Winery Name	Address	City	Zip	PRM Permits	Approval Date	Year of Review	Winery Type	Production Capacity (Cases/Year)	Public Access	Tasting Room Hours	Number of Events Per Year	Permit Fee (Approved)	State Fee (Approved)	County Upgrade Fee	American Viticultural Area	Other Advisory Commission	Special District
243 090240027	VC CELLARS	6551 DRY CREEK RD	HEALDSBURG	95448	UPE07-0082B	SAL05/12/2014	2014	Production/Tasting Room	20000 PUBLIC		10AM-5PM				No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
244 090240044	CHATEAU DIANA WINERY	6195 DRY CREEK RD	HEALDSBURG	95448	UPE05-0082	BZA08-022	2008	Production/Tasting Room	15000 PUBLIC		10AM-4PM				No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
245 091010015	HART'S DESIRE WINERY AND OTHERS	18850 HASSETT LN	GEYSERSVILLE	95441	UPE02-0084	SAL11/20/2002	2002	Production Only	22000 NONE						No Not Applicable	Alexander Valley		4th
246 091030043	JORDAN VINEYARD & WINERY	1474 ALEXANDER VALLEY RD	HEALDSBURG	95448	PLP00-0034	SAL08/13/2002	2002	Production/Tasting Room	150000 APPT ONLY		7AM-5PM				No Not Applicable	Alexander Valley		4th
247 091120077	MADR GAMBINI	1720 CHIQUITA RD	HEALDSBURG	95448	UPE00-0117	BZA01-030	2001	Production Only	20000 NONE						No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
248 091120089	BRIDGE VINEYARDS	650 LYTTON SPRINGS RD	HEALDSBURG	95448	PLP99-0108	BZA00-016	2000	Production/Tasting Room/Events	60000 PUBLIC		11AM-4:30PM	5	300		No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
249 091140033	MONTECLAIRE VINEYARDS	11750 LYTTON SPRINGS RD	HEALDSBURG	95448	UPE00-0128	SAL11/22/2000	2000	Production/Tasting Room/Events	4000 APPT ONLY		10AM-5PM	2			No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
250 091140043	MAZZUCCO WINERY	1400 LYTTON SPRINGS RD	HEALDSBURG	95448	UPE88-0260	BZA68-153	1988	Production/Tasting Room	35000 PUBLIC		11AM-4:30PM				No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
251 091150011	WALLE WINERY	2383 DRY CREEK RD	HEALDSBURG	95448	UPE03-0050	SAL11/03/2009	2009	Production/Tasting Room	10000 PUBLIC/APPT		5AT/5U-1R				No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
252 091160027	MALRITSON FAMILY WINERY	2859 DRY CREEK RD	HEALDSBURG	95448	UPE01-0101	BZA02-033	2002	Production/Tasting Room/Events	25000 PUBLIC		10AM-5PM	12	100		No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
253 096150025	SOPHIE'S CELLARS TASTING ROOM	25179 HWY 216	MONTE RO	95462	SEP97-0265	SAL11/12/1997	1997	Tasting Room Only	0 PUBLIC						No Not Applicable	Not Applicable		5th
254 100120018	WINE TASTING ROOM	555 HWY 1	BODEGA BAY	94923	PLP13-0052	SAL03/26/2014	2014	Tasting Room Only	0 PUBLIC		11AM-7PM				No Not Applicable	Not Applicable	Petaluma Bay USA	5th
255 104020046	CHAOTEMOOTHY'S	4801 MADDOCKS RD	SEBASTOPOLE	95472	UPE05-0010	BZA06-015	2006	Production Only	900 NONE						No Not Applicable	Green Valley		5th
256 104040025	CASTELLI VINEYARDS	9760 GREEN VALLEY RD	SEBASTOPOLE	95472	UPE09-0005	SAL05/18/2009	2009	Production Only	500 NONE						No Not Applicable	Green Valley		5th
257 109160020	FORT ROSS VINEYARD & WINERY	15725 MERRIS GRADE RD	JENNER	95450	UPE09-0027	BOS10-0794	2010	Tasting Room/Events	0 PUBLIC		10AM-6PM (5PM-DEC-MAR)	10	100		No Not Applicable	Fort Ross Seaview		5th
258 109210074	HIRSCH VINEYARDS	45075 BOHANNAN HILLON RD	CAZADERO	95421	UPE01-0031	BZA02/28/2002	2002	Production Only	15000 NONE						No Not Applicable	Fort Ross Seaview		5th
259 109340053	WILD HOG VINEYARDS	30504 KING RIDGE RD	CAZADERO	95421	UPE89-0175	SAL08/22/1989	1989	Production Only	10000 NONE						No Not Applicable	Fort Ross Seaview		5th
260 109360047	FLOWERS WINERY	28500 SEAVIEW RD	CAZADERO	95421	UPE01-0153	BOS03-0173	2003	Production Only	20000 NONE						No Not Applicable	Fort Ross Seaview		5th
261 110010034	DAVERO WINERY	765 WESTSIDE RD	HEALDSBURG	95448	UPE01-0118	SAL04/09/2013	2013	Production/Tasting Room/Events	3000 PUBLIC		10AM-5PM	15	50		No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
262 110010035	UPTECK VINEYARDS	779 WESTSIDE RD	HEALDSBURG	95448	UPE09-0063	BZA10-007	2010	Production/Tasting Room/Events	20000 PUBLIC		11AM-5PM	20	100		No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
263 110070029	MILL CREEK VINEYARDS & WINERY	1401 WESTSIDE RD	HEALDSBURG	95448	UPE8052A	BZA9301	1981	Production/Tasting Room	12000 PUBLIC		10AM-5PM				No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
264 110070026	MATRIX WINERY	3291 WESTSIDE RD	HEALDSBURG	95448	UPE01-0093	BOS01-1294	2001	Production/Tasting Room	50000 PUBLIC		9:30AM-5PM				No Not Applicable	Russian River Valley		4th
265 110080011	TWOMEY CELLARS	3000 WESTSIDE RD	HEALDSBURG	95448	UPE38-0155	BZA99-011	1999	Production/Tasting Room/Events	30000 PUBLIC		10AM-5PM	10	150		Yes Not Applicable	Russian River Valley		4th
266 110100018	VML WINERY	4035 WESTSIDE RD	HEALDSBURG	95448	UPE97-0016	BZA97-023	1997	Production/Tasting Room/Events	150000 PUBLIC		10AM-4:30PM	11	600		Yes Not Applicable	Russian River Valley		4th
267 110110025	UNION NATHAN USA INC	4605 WESTSIDE RD	HEALDSBURG	95448	UPE07-0123	BZA11-024	2011	Production/Tasting Room	10000 PUBLIC		10AM-5PM				No Not Applicable	Russian River Valley		4th
268 110130022	DE LA MONTAÑA WINERY	939 FOREMAN LN	HEALDSBURG	95448	UPE03-0001	BZA00-035	2000	Production/Tasting Room	10000 PUBLIC		10AM-4:30PM				No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
269 110150009	ARMIDA WINERY	2201 WESTSIDE RD	HEALDSBURG	95448	UPE11-0072	BZA13-011	2013	Production/Tasting Room/Events	32000 PUBLIC		11AM-5PM	8	100		Yes Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
270 110150020	PASSALACQUA WINERY	2062 MILL CREEK RD	HEALDSBURG	95448	UPE9571	BZA7083	1980	Production Only	12000 NONE						No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th
271 110160016	MKC ESTATE WINES	6060 WESTSIDE RD	HEALDSBURG	95448	UPE8021	BZA5674	1975	Production/Tasting Room	21026 PUBLIC						No Not Applicable	Russian River Valley		4th
272 110170012	BOGHIO VINEYARDS AND WINERY	6192 WESTSIDE RD	HEALDSBURG	95448	UPE09-0019	SAL06/26/2009	2009	Production/Tasting Room	15000 PUBLIC		8AM-6PM				No Not Applicable	Russian River Valley		4th
273 110180026	LANDY VINEYARDS	2347 SWEET WATER SPRINGS RD	HEALDSBURG	95448	UPE07-0060	SAL09/25/2009	2009	Production/Tasting Room/Events	5000 APPT ONLY		10AM-5PM	2	150		No Not Applicable	Russian River Valley		4th
274 110190005	JOHN TYLER WINES	4253 WESTSIDE RD	HEALDSBURG	95448	UPE07-0145	SAL09/04/2008	2008	Tasting Room/Events	0 PUBLIC		10AM-5PM	6	50		No Not Applicable	Russian River Valley		4th
275 110200017	THOMAS GEORGE ESTATES	8075 WESTSIDE RD	HEALDSBURG	95448	UPE10-0019	SAL07/21/2010	2010	Production/Tasting Room/Events	20000 PUBLIC		10AM-6PM	16	125		No Not Applicable	Russian River Valley		5th
276 110200023	MERICUS-TOMERLIN CELLARS	8605 WESTSIDE RD	HEALDSBURG	95448	UPE01-0110	SAL09/20/2001	2001	Production Only	500 NONE						No Not Applicable	Russian River Valley		5th
277 110230013	PORTER CREEK VINEYARDS	8735 WESTSIDE RD	HEALDSBURG	95448	UPE86-0136	BZA1416	1986	Production/Tasting Room	9000 PUBLIC		10AM-4PM				No Not Applicable	Russian River Valley		5th
278 110240006	ALLEN FAMILY VINEYARDS	6575 WESTSIDE RD	HEALDSBURG	95448	UPE84-0018	SAL10/15/2004	2004	Production/Tasting Room	16000 APPT ONLY						No Not Applicable	Russian River Valley		5th
279 110240011	GRACIANNI WINERY	6914 WESTSIDE RD	HEALDSBURG	95448	UPE10-0021	SAL11/18/2010	2010	Tasting Room Only	0 PUBLIC		10AM-6PM APR-NOV				No Not Applicable	Russian River Valley		4th

Compiled by Sonoma County Permit and Resource Management Dept. Source: PRM Permits Plus System and Planning Division interrollin reports.

EXHIBIT A



Home Our Story Visit Us **Wine Shop** Wine Club Events Food & Wine Contact

Calendar Event Planning Event Photo Gallery



Host an Event at Wilson

Capacity: 50 Guests

Enjoy a stunning sunset event at Wilson Winery, overlooking the view of the spectacular Dry Creek Valley.

The property exudes rustic and pastoral moods, amidst some of the most beautiful vineyards in Sonoma County.

Celebrate your special event with a reception, cocktail party or rehearsal dinner on our outdoor terrace which accommodates up to 50 guests. Fill your Wine Cellar with our award winning wines so your guests can enjoy the best the valley has to offer.

Your Wine Cellar purchase is based on 1/2 a bottle per person. Your personalized

Wilson Artisan Winery Cellar may be purchased using your club discount from Wilson Winery and/or any of our sister properties. The facility fee is \$2,500 for a special event from 6 to 10 PM. A closing manager will keep a caring eye during your event to help facilitate your event at our winery. For more information, please click on Winery Amenities below.

Club Members: Wilson Winery extends a 20% facility fee discount to all Wilson Artisan Winery club members plus their club discount on the Wine Cellar purchase.

Don't worry about traveling home after your event; reserve your stay down the road at the Calderwood Inn and the Grape Leaf Inn, both Wilson Artisan Winery properties where a gourmet breakfast awaits you after a good night's rest.

If you are interested in other venues located in the Alexander Valley, we offer wonderful venues in neighboring Alexander Valley.

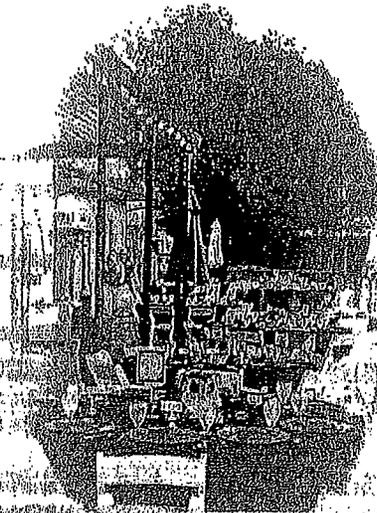
Winery Amenities

Other Details

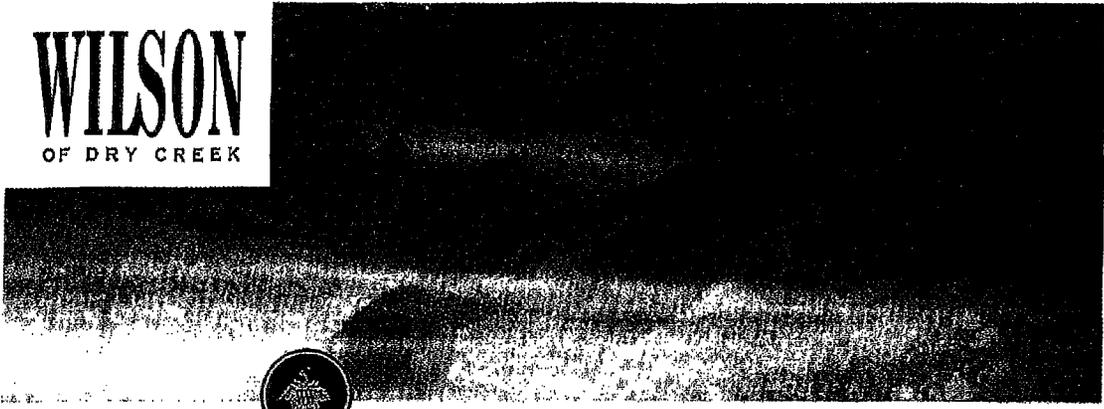
Insurance

We request a \$1,000,000.00 liability policy on file at the time of reservation.

Confirmation



WILSON
OF DRY CREEK



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[Calendar](#) [Event Planning](#) [Event Photo Gallery](#)



Host an Event at Wilson

Capacity: 50 Guests

Enjoy a stunning sunset event at Wilson Winery, overlooking the views of the spectacular Dry Creek Valley.

The property exudes rustic and pastoral moods, amidst some of the most beautiful vineyards in Sonoma County.

Celebrate your special event with a reception, cocktail party or rehearsal dinner on our outdoor terrace which accommodates up to 50 guests. Fill your Wine Cellar with our award winning wines so your guests can enjoy the best the valley has to offer.

Your Wine Cellar purchase is based on 1/2 a bottle per person. Your personalized Wilson Artisan Winery Cellar may be purchased using your club discount from Wilson Winery and/or any of our sister properties. The facility fee is \$2,500 for a special event from 6 to 10 PM. A closing manager will keep a caring eye during your event to help facilitate your event at our winery. For more information, please click on Winery Amenities below.

Club Members: Wilson Winery extends a 20% facility fee discount to all Wilson Artisan Winery club members plus their club discount on the Wine Cellar purchase.

Don't worry about traveling home after your event; reserve your stay down the road at the Calderwood Inn and the Grape Leaf Inn, both Wilson Artisan Winery properties where a gourmet breakfast awaits you after a good night's rest.

If you are interested in hosting a wedding, deLorimier or Soda Rock wineries offer wonderful venues in neighboring Alexander Valley.

Winery Amenities

Other Details

Insurance

We request a \$1,000,000.00 liability policy on file at the time of reservation confirmation



EXHIBIT B 1



Home | Our Story | Visit Us | Wine Shop | Wine Club | Events | Food & Wine | Contact

Calendar | Event Planning | Event Photo Gallery



Events Calendar

Wine Club Event
Winery Event

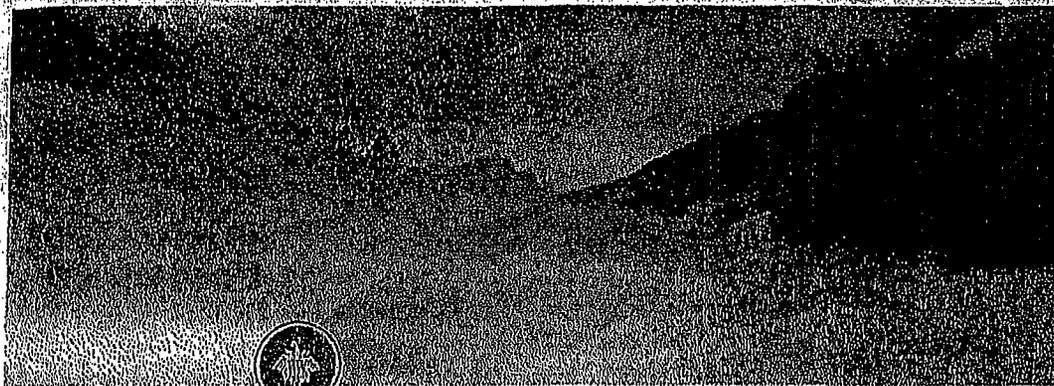
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September 2014

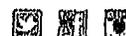
today

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Whitewater Raft Trip	1	2	3	4	5 Summer Music Series at Wilson ...	6
7	8	9	10	11	12 Summer Music Series at Wilson ...	13 2nd Annual Harvest Moon Party ...
14	15	16	17	18	19 Summer Music Series at Wilson ...	20
21	22	23	24	25	26 Summer Music Series at Wilson ...	27
28	29	30				

3rd Annual Crush Party Wilson ...



Home Our Story Visit Us Wine Shop Wine Club Events Food & Wine Contact



Wilson Winery
will be closed
December 6, 2014
for a private club holiday event

Welcome to Wilson Winery

The Dry Creek Valley, at the very heart of California's Sonoma Wine Country, is the source of the world's finest Zinfandels. But it is the award-winning Zinfandels of Wilson Winery that truly epitomize this extraordinary place.

Cross the winery's century-old threshold and enter a realm utterly unlike any other: steeped in tradition, devoted to quality, and inextricably tied to a family, its land, and its legacy. For more than twenty years, as they nurtured their prized Zinfandel vines, the Wilson family has lovingly restored the historic winery, preserving the best of the past while investing in a fruitful future.

Just minutes from charming Healdsburg, the sweeping vistas from Wilson Winery's oak shaded tasting room inspire awe, but it's the hand-grown, single vineyard Zinfandels that thrill the senses. Proudly presented by winemaker Diane Wilson and her husband Ken, these sought-after wines capture the very essence of the Dry Creek Valley, a very particular place where the divinely inspired partnership of nature and winemaker finds fullest expression in every finely crafted bottle.

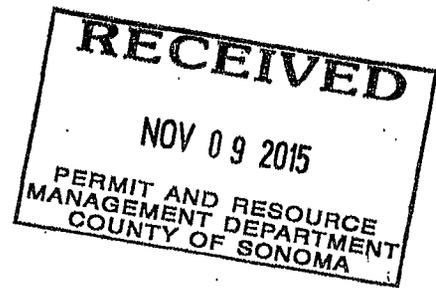


Spanish Zinfandel
Sonoma County
California

Russian Zinfandel
Sonoma County
California

Petite Sirah
Sonoma County
California

Andrew L. Dieden, Esq.
Dieden Vineyard
4391 Dry Creek Road
Healdsburg, CA 95448
(415) 302-2694
adieden@yahoo.com



Sonoma County Board of Supervisors
Sonoma County Administration Building, Room 102-A
575 Administration Drive
Santa Rosa, CA 95403 (via email and hand delivery)

susan.gorin@sonoma-county.org; david.rabbitt@sonoma-county.org; shirlee.zane@sonoma-county.org; james.gore@sonoma-county.org; efren.carrillo@sonoma-county.org; pat.gilardi@sonoma-county.org; andrea.kraut@sonoma-county.org; michelle.whitman@sonoma-county.org; jenny.chamberlain@sonoma-county.org; susan.upchurch@sonoma-county.org; irene.hays@sonoma-county.org, traci.tesconi@sonoma-county.org

November 9, 2015

Re: Appeal of Mitigated Negative Declaration
File No. PLP05-0062,
4304 Dry Creek Road
APN 090-200-008

Dear Supervisors:

Negative Declarations are insufficient under CEQA if opponents make a "fair argument" based on substantial evidence that a project "may" cause even one significant adverse impact at a project or cumulative level. Accordingly, please consider the following evidence showing the project at-issue, as proposed, will cause significant adverse impacts.

TRANSPORTATION/TRAFFIC

Collision History

The evidence shows the Hale site is already a traffic hazard, 25% more dangerous than similar statewide highways, even without the proposed project. Based on W-Trans' Segment Collision Rate Calculations, the project site collision rate of 1.24 c/mvm is 25% higher than the statewide average of 0.93 c/mvm for similar highway facilities. (Attachment 1, p.1; W-Trans 2015 Traffic Impact Study, Appendix B).

25% is *five-times higher* than the generally accepted 5% statistical significance standard, not “slightly higher than the statewide average” as represented in the Negative Dec. and the W-Trans Traffic Studies. (Attachment 1, pp.3-5; Negative Declaration p.52, W-Trans 2015 Report p.4, W-Trans 2014 Report p.1).

The project site is also becoming significantly more dangerous while similar statewide highways are becoming significantly less dangerous. The 2008-2013 project site collision rate of 1.24 c/mvm is 11% *higher* than the project site collision rate of 1.10 c/mvm from 2006-2011, just two years earlier. In contrast, the 2008-2013 statewide collision rate of 0.93 c/mvm for similar highway facilities is 13% *lower* than the 1.07 statewide rate from 2006 to 2011. (Attachment 1, pp.1, 2; W-Trans 2015 and 2014 “Segment Collision Rate Calculations”).

Indeed, between 2006 and 2011, there were six collisions near the project site. (Attachment 1, p.6) W-Trans dismissed the significance of those collisions because, “Only one collision involved vehicles turning into or out of a driveway, and none involved intoxicated drivers.” (Attachment 1, p.4; W-Trans 2014 “Collision History”).

More recently, however, between 2008 and 2013, there were more than seven (7) collisions¹ located even closer to the project site. (Attachment 1, p.7). Intoxicated driving caused one collision and “The other four collisions involved two vehicles traveling in the same direction ... likely associated with movements at driveways....” (Attachment 1, p.5 “Collision History”). More recently still, on June 16, 2015, a cyclist on Dry Creek Road, north of Lytton Springs Road, was badly injured by a suspected intoxicated driver. (Attachment 1, p.8)

Amazingly, Staff still recommends approval of this project, admitting it will sometimes add 46 vehicles per hour, a 36% average hourly increase², knowing the vehicles in question will be entering and exiting wine-drinking events from a driveway located on a historically hazardous section of 50-mph highway.

If this project is approved as proposed, the County of Sonoma will be defenseless against expensive, damaging litigation from all sides. It doesn't take a traffic engineer or a judge to conclude that approval of this project will create a lethal danger to motorists and bicyclists, alike.

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¹ The W-Trans' 2008 – 2013 CHP Collision Report Summary omitted a 1/25/09 head-on collision that appeared in the 2006 – 2011 CHP Collision Report Summary. (Attachment 1, pp. 6-7). The reason? The 2014 CHP Report Summary is based on collisions located 1.5 miles from the project site in either direction. (See, Attachment 1, p.2 “Segment Collision Rate Calculation” “Location”) In contrast, the 2015 CHP Report Summary is based on collisions just one-half mile from the project site in either direction. (Attachment 1, p.7 CHP “Collision Report Summary” “1 Mile Segment”). In other words, W-Trans' October 2014 Collision Report is based on a road segment 1/3 the size of that used for the W-Trans February 2015 Collision Report.

² Based on W-Trans' 2015 3,050 daily traffic count average.

TRANSPORTATION / TRAFFIC

Sight Distance

The W-Trans sight line reports are internally inconsistent and therefore, unreliable. First, on October 28, 2014, W-Trans represented, "From the location of the existing driveway the sight distance to the south is more than 600 feet, *while 500 feet is available to the north.*" (Attachment 2, pp.1-2; W-Trans 2014 Traffic Study, "Sight Distance") (*emphasis added*).

Then, *three months later*, on February 5, 2015, realizing that a sight distance of *over 500 feet* is required to the north, W-Trans changed its stated northerly sight distance from "500 feet" to "800-plus" feet, a 60% increase. (Attachment 2, p.3, W-Trans 2015 Traffic Study, "Sight Distance").

The unexplained alteration makes even less sense in light of W-Trans' 2015 statement that, "This report does not present new information; rather organizes and expands upon the information previously provided." (Attachment 2, p.4, W-Trans 2015 Traffic Study, "Executive Summary").

TRANSPORTATION / TRAFFIC

Traffic Counts – Level of Service (LOS)

The traffic increase caused by the proposed project will decrease Dry Creek Road's Level Of Service (LOS) far below LOS C. *There are already 16 wineries on Dry Creek Road, located within one mile of the project site.* (See, Attachment 3, p.1; "Wine Road" Dry Creek Valley Map).

According to W-Trans, "A sensitivity analysis indicated that *up to 250 trips* could be added to Dry Creek Road in each direction without exceeding the County's LOS C standard." (Attachment 3, p.2, W-Trans 2015 Traffic Study) (*emphasis added*). The same study forecasts the cumulative effect from just five (5) wineries starting or ending an event during the same hour at 250 per direction, or 50 trips per winery. (Attachment 3, p.3).

Therefore, when just six (6) or more wineries start or end an event during the same hour, Dry Creek Road traffic exceeds 250 trips and the LOS drops below Level C, unacceptable per the Sonoma County Circulation and Transit Element's objectives.

The Negative Declaration provides a Winery Table that identifies nine (9) wineries located near the project site, each with event permits. (Attachment 3, p. 4). 50 vehicles from each of the nine permitted wineries - 450 trips - almost doubles W-Trans' stated maximum acceptable number of 250.

Unfortunately, the Winery Table also materially omits over a dozen Dry Creek wineries, most of which presently conduct events within one-half mile of the proposed project site. (Attachment 3, p.1; pp. 5-21, Omitted winery webshots).

The specific wineries omitted from the Negative Dec. include: 1. Talty Winery, 2. Del Carlo Winery, 3. Amphora Winery, 4. Collier Falls, 5. Dashe Cellars, 6. Kokomo, 7. Lago Di Merlo, 8. Mietz Cellars, 9. Papapietro Perry, 10. Peterson, 11. Phillip Staley, 12. Trattore Wines, and 13. Comstock. (Id.).

The only conclusion to be drawn from the evidence is that the proposed project will repeatedly cause Dry Creek's LOS to fall far below Level C. Therefore, approval of the Negative Declaration constitutes a reckless, conscious disregard for the foreseeable, grave safety consequences.

TRANSPORTATION / TRAFFIC

Alternative Modes

The proposed project also poses an imminent danger to the health and welfare of bicyclists. Contrary to Staff's representation that Dry Creek Road has "wide shoulders" used by cyclists as bike lanes, (Attachment 4, p.1; Negative Dec.p.54, "Alternative Modes"), the images Appellant sent the Board of Supervisors on October 12, 2015, prove there are no shoulders whatsoever on either side of Dry Creek Road at the project site. (Attachment 4, pp.2-8).

The Negative Declaration is entirely devoid of *any* bicycle safety analysis. Rather, it summarily dispenses such responsibility by stating, "The project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel." (Attachment 4, p.1). Indeed, W-Trans left its own "Bicycle Level of Service" section blank. (Attachment 4, pp. 9-11, W-Trans 2015 Traffic Study, Appendix A). However, despite Staff's claim, increasing traffic by 46 vehicles in a single hour to an empirically established danger zone is not "merely adding trips".

The project site is presently a shoulder-free bottleneck where bicyclists share the traffic lanes with cars, buses, RVs, trucks, tractors, and boats. If the project is approved as proposed, almost every one of the thousands of vehicles accessing the proposed project site's perpendicular driveway will block northbound and southbound traffic, while each and every vehicle will cross the southbound bicycle right-of-way, twice.

The Negative Declaration also fails to address the mandate of California Vehicle Code 21760 (c), requiring that all vehicles overtaking or passing a bicycle proceeding in the same direction leave a distance of at least three feet between any part of the motor vehicle and any part of the bicycle or its operator. (Attachment 4, p.12). As circumstances now exist near the project site, vehicles either violate VC 21760, or they cross the center divide to accommodate bicyclists.

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Proposed mitigation measure 52(a), calling for a northbound shoulder of 8' x 100', will not protect bicyclists from the significant effects of this project. (Attachment 4, p.13; Negative Dec. Cond. of Approval, p.10). The 100' addition is to be centered on the project driveway, meaning, at most, 50' of any addition, only three vehicle-lengths maximum, will precede the project site. Vehicles are likely to use the addition as a passing lane and 46 cars in a given hour means many more than three cars will be backed-up at the subject driveway in both directions. Moreover, again, every Hale-destined vehicle will cross the southbound bicycle right-of-way, twice.

This project cannot be lawfully approved until a meaningful analysis of its effect on Alternative Modes is conducted and narrowly tailored mitigation measures are developed and approved.

CONCLUSION

The list above does not include the project's other significant traffic impacts or its significant water and noise impacts. However, the list and its supporting documentation are more than enough to successfully oppose the project under CEQA. Appellant therefore respectfully requests the Board to deny this project until a complete environmental impact study has been conducted.

Respectfully submitted,

//s//

Andrew L. Dieden, Esq.
Dieden Vineyard
4391 Dry Creek Road
Healdsburg, CA 95448
(415) 302-2694

cc: file; clients.

SEGMENT COLLISION RATE CALCULATIONS

Hale Vineyard Winery

★ Location: 4304 Dry Creek Road ★

Date of Count: Saturday, January 00, 1900
ADT: 3,100

Number of Collisions: 7
Number of Injuries: 3
Number of Fatalities: 0
Start Date: July 1, 2008
End Date: June 30, 2013
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: 55
Terrain: Flat

Segment Length: 1.0 miles
Direction: North/South

Number of Collisions x 1 Million
ADT x 365 Days per Year x Segment Length x Number of Years

$$\frac{7}{3,100} \times \frac{1,000,000}{365} \times 1 \times 5$$

	Collision Rate	Fatality Rate	Injury Rate
★ Study Segment	1.24 c/mvm	0.0%	42.9%
Statewide Average*	0.93 c/mvm	2.4%	40.1%

ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2010 Collision Data on California State Highways, Caltrans

A1 P.1

SEGMENT COLLISION RATE CALCULATIONS

County of Sonoma

Location: 1.5 mi north to 1.5 mi south of 4304 Dry Creek Road

Date of Count: Thursday, August 25, 2011
ADT: 3,000

Number of Collisions: 6
Number of Injuries: 3
Number of Fatalities: 0
Start Date: June 1, 2006
End Date: May 31, 2011
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: <=55
Terrain: Flat

Segment Length: 1.0 miles
Direction: North/South

NUMBER OF COLLISIONS x 1 MILLION

ADT x 365 DAYS PER YEAR x SEGMENT LENGTH x NUMBER OF YEARS

6 x 1,000,000
3,000 x 365 x 1 x 5

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.10 c/mvm	0.0%	50.0%
Statewide Average	1.07 c/mvm	2.4%	38.0%

ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2009 Collision Data on California State Highways, Caltrans

For this five-year period there were seven collisions reported on Dry Creek Road within one half mile in either direction of the existing driveway to the driveway resulting in a calculated collision rate 1.24 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average for two-lane rural roads with a speed limit less than 55 miles per hour, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 0.93 c/mvm.

The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, therefore, W-Trans reviewed the records further. Of the seven collisions reported, three were single vehicle collisions with improper turning described as the primary collision factor for two and driving under the influence for the other. The other four collisions involved two vehicles traveling in the same direction, so are likely associated with movements at driveways and three were due to drivers attempting to pass another vehicle making a turn. This type of collision is often associated with inadequate sight lines as well as drivers traveling at an excessive speed. W-Trans concludes that as long as the driveway has adequate sight lines so that drivers have adequate time to react to movements into and out of the driveway the project would not be expected to have a perceptible impact on safety conditions in the area (Refer to TIS Appendix B Collision Rate Calculations).

Project Trip Generation:

It was assumed that the winery will import just over half of the grapes needed to produce 25,000 cases of wine, with the fruit coming from the adjacent vineyards. The winery will have five employees for production, administration, and sales, and the tasting room will have one employee. Each is assumed to generate an average of three trips per day, resulting in 18 employee trips per day.

An average of 38 visitors per day is expected for tasting, with a high of 50 daily tasters during the summertime months and a low of about 20 visitors daily during the wintertime months. Based on the average vehicle occupancy of 2.5 visitors per vehicle and conservatively applying trips based on 50 visitors, an average of 30 daily trips is expected due to tasting room visitors. To arrive at these numbers, W-Trans used data previously collected at a local Sonoma County winery which were then used to develop factors for winery tasting room trips made during both the p.m. and weekend midday peak hour. This data of the winery's driveway counts were collected by W-Trans one week every month for a year and indicate that 10 percent of the daily tasting trips occur during the p.m. peak hour and 13 percent during the weekend midday peak. In addition to visitor and employee traffic, truck traffic in the form of deliveries is expected to contribute two trip ends per weekday.

As shown in Table 1 below, the proposed tasting room at the project site would be expected to generate an average of 50 new trip ends per day during peak operation, including 9 trips during the weekday p.m. peak hour and 10 during the weekend midday peak hour. These new trips represent the increase in traffic associated with the project compared to existing volumes.

Table 2
 Trip Generation

Trip Type	Units	Daily Trips	Weekday PM Peak		Saturday Midday Peak			
			Trips	In	Out	Trips	In	Out
Employees	5	15	5	1	4	5	2	3
Tasting Visitors	38	30	3	0	3	4	2	2
Tasting Room Employees	1	3	1	0	1	1	1	0
Trucks	1	2	0	0	0	0	0	0
Total New Trips		50	9	1	8	10	5	5

However, it should be noted that the trip generation estimates treat each visitor as if they were making a single-purpose trip to visit this one winery, when in fact most visitors are going to multiple tasting rooms

A1 P.3



October 28, 2014

Mr. Ken Wilson
428 Matheson Street
Healdsburg, CA 95448

Whitlock & Weinberger
Transportation, Inc.
490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401
voice: 707.542.9500
fax: 707.542.9590
web: www.w-trans.com

Revised Focused Traffic Impact Study for Hale Vineyard Winery

Dear Mr. Wilson;

Whitlock & Weinberger Transportation, Inc. (W-Trans) has updated our analysis of the potential traffic impacts that would be associated with the proposed development of a new winery at 4304 Dry Creek Road in the County of Sonoma. While the potential need for a left-turn lane as well as to evaluate the likely trip generation of the proposed project are essentially unchanged from the information initially reported in 2006, this portion of the analysis as well as the safety review have been updated as requested by County staff. The traffic study was completed in accordance with the Traffic Study Guidelines established by the County of Sonoma.

Study Area

The study area consisted of Dry Creek Road fronting the winery site, and the project driveway providing access to the existing wine storage building and the 35-acre vineyard. Dry Creek Road is a 2-lane secondary arterial road, as defined in the Sonoma County General Plan. The proposed project would take access from the existing driveway located on the west side of Dry Creek Road approximately 1,500 feet south of Norris Road and three-quarters of a mile north of Lambert Bridge Road. In the vicinity of the proposed project the posted speed limit on the Dry Creek Road is 50 miles per hour (mph). Based on counts collected by the County on August 25, 2011, near the existing driveway on the project site, Dry Creek Road carries approximately 3,000 vehicles per day.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that might be exacerbated by the addition of project-generated traffic. Collision records obtained through the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) report were examined for June 2006 to May 2011. For the five-year period reviewed, there were six collisions on Dry Creek Road within one-half mile in either direction from the existing driveway to the project site, translating to a collision rate of 1.10 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average collision rate for a two-lane rural road with a speed limit of less than 55 mph, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 1.07 c/mvm. The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, so the records were reviewed in greater detail. Of the six collisions, three were single vehicle collisions with improper turning described as the primary collision factor. Only one collision involved vehicles turning into or out of a driveway, and none involved intoxicated drivers. Based on the review performed, the project is not expected to have a perceptible impact on safety conditions in the area.

AI PY

Transportation Setting

Existing Conditions

Dry Creek Road is a two-lane road with a posted speed limit of 50 miles per hour (mph). There are paved shoulders on both sides of the road that are used as bicycle lanes. Based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at LOS A during the p.m. peak hour. It is classified as a Rural Major Collector road in Figure CT-4c of the *Sonoma County General Plan 2020 Circulation and Transit Element*. The roadway is marked with a solid double yellow centerline immediately in front of the driveway that transitions to a dashed yellow line for northbound traffic just north of Norris Road.

A copy of the level of service calculation is provided in Appendix A.

Study Area

The study area consists of Dry Creek Road fronting the winery site, and the project driveway providing access to the existing wine storage building and the 35-acre vineyard. The proposed project would take access from the existing driveway located on the west side of Dry Creek Road approximately 1,500 feet south of Norris Road and three-quarters of a mile north of Lambert Bridge Road.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current five-year period available is July 2008 through June 2013.

For this five-year period there were seven collisions reported on Dry Creek Road within one half mile in either direction of the existing driveway to the driveway resulting in a calculated collision rate 1.24 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average for two-lane rural roads with a speed limit less than 55 miles per hour, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 0.93 c/mvm. The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, so the records were reviewed in greater detail. Of the seven collisions reported, three were single vehicle collisions with improper turning described as the primary collision factor for two and driving under the influence for the other. The other four collisions involved two vehicles traveling in the same direction, so are likely associated with movements at driveways, and three were due to following drivers attempting to pass a vehicle making a turn. This type of collision is often associated with inadequate sight lines as well as drivers traveling at an excessive speed. As long as the driveway has adequate sight lines so that drivers have adequate time to react to movements into and out of the driveway, the project would not be expected to have a perceptible impact on safety conditions in the area.

The collision rate calculation is provided in Appendix B.

Traffic Operation Standards

The project site and study area fall under the County of Sonoma's jurisdiction. Based on the most recent criteria published by the County of Sonoma, the project would have a significant traffic impact if it results in any of the following conditions.

1/30/2013

Collision Report Summary

Date Range Reported: 6/1/06 - 5/31/11

Total Number of Collisions: 6

Total Number of Persons Injured: 5

Total Number of Persons Killed: 0

Report#	Date	Time	Location	Dist.	Dir.	Type of Collision	Motor Veh. Involved With	Dir. of Travel 1	Movement Prec. Coll. 1	Dir. of Travel 2	Movement Prec. Coll. 2	PCF	Inj.	Kil.
3626967	2/4/08	08:00	Dry Creek Rd & Lambert Bridge Rd	4224'	North	Broadside	Other Motor Vehicle	West	Making Left Turn	North	Proceeding Straight	Auto RW Violation	0	0
3684126	3/25/08	20:15	Dry Creek Rd & Lambert Bridge Rd	3696'	North	Hit Object	Fixed Object	South	Proceeding Straight			Improper Turning	1	0
3726621	4/22/08	13:00	Dry Creek Rd & Timbercrest Farm Rd	274'	East	Overtuned	Non-Collision	East	Ran Off Road			Improper Turning	0	0
4115550	1/25/09	16:44	Dry Creek Rd & Lambert Bridge Rd	4752'	West	Head-On	Other Motor Vehicle	East	Crossed Into Opposing	West	Proceeding Straight	Wrong Side of Road	1	0
4903986	9/24/10	21:45	Dry Creek Rd & Lambert Bridge Rd	4752'	North	Hit Object	Fixed Object	North	Other Unsafe Turning			Improper Turning	0	0
5193757	5/30/11	13:00	Dry Creek Rd & Lambert Bridge Rd	6336'	North	Rear-End	Other Motor Vehicle	South	Proceeding Straight	South	Stopped in Road	Unsafe Speed	3	0

AI P.6

SOX249 Collisions

* 1 mile segment *

Collision Report Summary

1/13/2015

Date Range Reported: 10/1/08 - 9/30/13

Total Number of Collisions: 7

Total Number of Persons Injured: 5

Total Number of Persons Killed: 0

Report#	Date	Time	Location	Dist.	Dir.	Type of Collision	Motor Veh. Involved With	Dir. of Travel 1	Movement Prec. Coll. 1	Dir. of Travel 2	Movement Prec. Coll. 2	PCF	Inj.	Kil.
4828127	7/17/10	11:45	Dry Creek Rd & Lambert Bridge Rd	1320'	North	Broadside	Other Motor Vehicle	North	Passing Other Vehicle	North	Making Right Turn	Improper Passing	0	0
4903986	9/24/10	21:45	Dry Creek Rd & Lambert Bridge Rd	4752'	North	Hit Object	Fixed Object	North	Other Unsafe Turning			Improper Turning	0	0
5179883	4/22/11	10:25	Dry Creek Rd & Canyon Rd	12144'	South	Overtaken	Fixed Object	South	Ran Off Road			Improper Turning	1	0
5193757	5/30/11	13:00	Dry Creek Rd & Lambert Bridge Rd	6336'	North	Rear-End	Other Motor Vehicle	South	Proceeding Straight	South	Stopped in Road	Unsafe Speed	3	0
5474854	12/20/11	07:20	Dry Creek Rd & Lambert Bridge Rd	2640'	North	Sideswipe	Other Motor Vehicle	South	Passing Other Vehicle	South	Making Left Turn	Wrong Side of Road	0	0
5664228	6/4/12	19:25	Dry Creek Rd & Lambert Bridge Rd	2640'	North	Hit Object	Fixed Object	South	Ran Off Road			Driving Under Influence	1	0
5780874	9/11/12	09:45	Dry Creek Rd & Canyon Rd	17424'	South	Sideswipe	Other Motor Vehicle	South	Passing Other Vehicle	South	Merging	Improper Passing	0	0

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Sonoma tournament raises \$45,000 for laptops at El Verano school; Go/Do: Upcoming Events in Sonoma County; Exhibit at Santa Rosa's Chroma Gallery explores physical, spiritual nourishment; Windsor Scholarship Menudo-Cook off

Teenhood. Sonoma Academy Open House: Tuesday, October 27th, 6-8pm.

Cyclist badly injured after being hit by suspected drunken driver near Healdsburg

BY JULIE JOHNSON THE PRESS DEMOCRAT June 17, 2015, 12:25PM



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Catwalk for a Cure, Part 2 Press Democrat

A 26-year-old Healdsburg cyclist suffered major injuries late Tuesday when a pickup truck crashed into his bike, leading to the arrest of a motorist on suspicion of drunken driving, CHP officials said.

The crash occurred at about 9:20 p.m. on Dry Creek Road north of Lytton Springs Road, CHP Officer Kerri Post said.

Cyclist Matthew Gunning, 26, of Healdsburg was heading south on Dry Creek Road, as was a 2001 Ford F150 pickup driven by Javier Acevedo, 41, of Healdsburg, Post said.

The truck crashed into the cyclist, leaving Gunning with major injuries, then overturned in a vineyard, according to the CHP. Officers were still investigating the crash Wednesday.

The bicyclist did not appear to have been using lights or reflectors, Post said.

Acevedo remained at the Sonoma County Jail Wednesday on \$10,000 bail on suspicion of drunken driving, records show. Details about Gunning's condition weren't available Wednesday.

You can reach Staff Writer Julie Johnson at 521-5220 or julie.johnson@pressdemocrat.com. On Twitter @jjpressdem.

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AI P.8

Project Trip Generation

The proposed project consists of the addition of a new winery producing 25,000 cases annually at 4204 Dry Creek Road.

For purposes of estimating the number of new trips that proposed projects can be expected to generate, *Trip Generation Manual*, 9th Edition, Institute of Transportation Engineers, 2012, is typically used. Since this publication does not contain information for wineries, Sonoma County's Winery Trip Generation form was used to determine the potential trip generation for the proposed project. A copy of the Winery Trip Generation form for the proposed project is enclosed.

It is anticipated that the proposed new winery including the tasting room would have a total of five employees, each generating an average of three trips per day. Truck traffic associated with winery operations is expected to consist of less than one trip per day, on average. An average of 38 visitors per day is expected for tasting, generating 30 trips daily assuming average vehicle occupancy of 2.5 visitors per vehicle. As shown in Table 1, the proposed project is expected to generate an average of 50 vehicle trips per day.

Table 1
Trip Generation Summary

Trip Type	Average Daily Trips		
	Unit	Rate	Trips
Employees	5	3.0	15
Tasting Visitors	38	0.8	30
Tasting Room Employees	1	3.0	3
Trucks	1	2.0	2
Total			50

Special Events

The project application includes provisions for 26 special events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events on eight days. It is assumed that a maximum sized 100-person event would require a staff of six. Using an occupancy of 2.5 vehicles per guests and solo occupancy for staff, a maximum sized event would be expected to generate 92 trip ends at the driveway, including 46 inbound trips at the start of the event and 46 outbound trips upon its conclusion.

Sight Distance

Sight distance from the proposed driveway on Dry Creek Road at the project location was evaluated based on sight distance criteria contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). Based on guidance provided from AASHTO, for the posted speed limit on Dry Creek Road of 50 mph, a driver waiting to turn right onto a two-lane highway needs stopping sight distance of at least 425 feet, while 555 feet is needed to make a left turn. From the location of the existing driveway the sight distance to the south is more than 600 feet, while 500 feet is available to the north. Since drivers turning right need *

AZ P.1

* ~~only see vehicles coming from the left, or north, the available 500 feet is more than adequate.~~ Similarly, for left turns drivers need to see vehicles oncoming from the south, and the 600 feet of available sight distance is more than the 555 feet needed.

The sight distance was also evaluated for vehicles traveling northbound on Dry Creek Road approaching another vehicle waiting on Dry Creek Road to make a left turn into the existing project access driveway. The stopping sight distance criteria of 425 feet would also apply to this situation, with sight lines measured between the oncoming vehicle and the queued vehicle. Sight distance along the northbound travel lane is approximately 550 feet, which exceeds the minimum sight distance required. The sight distance looking to the north for a queued vehicle stopped in the northbound travel lane waiting to make a left-turn into the existing project access driveway was also evaluated and determined to be adequate as more than 500 feet of sight distance is available. It is recommended that vegetation within all of the above mentioned sight lines be periodically trimmed to maintain adequate sight distance.

Left-Turn Lane Warrant

The need for left-turn channelization in the form of a left-turn pocket on Dry Creek Road was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans *Highway Design Manual*.

For this analysis it was conservatively assumed that all project related traffic would access the site via northbound left turns, as this condition represents the greatest potential need for a left-turn pocket. Although special events would not typically start during a peak hour, to evaluate worst case conditions, inbound trips to a maximum-sized event were used along with volumes during the peak hour. Even using this conservative approach a left-turn lane is not warranted.

A sensitivity analysis was conducted to determine at what point a left-turn lane would be warranted. Based on weekend midday peak hour volumes, there would need to be about 203 vehicles turning left from Dry Creek Road to the proposed project during a single hour before a left-turn pocket would be warranted.

Based on the evaluation performed as well as the lack of left-turn pockets for the majority of wineries on Dry Creek Road, a left-turn pocket is not recommended. A copy of the Left Turn Lane Warrant spreadsheet is enclosed.

Conclusions

- The proposed winery is expected to generate an average of 50 new daily trips.
- A left-turn pocket is not warranted on Dry Creek Road at the existing access driveway with the addition of the project, even under conservative assumptions.
- Based on County standards sight distance at the location of the existing driveway is acceptable in both directions as well as for vehicles traveling on Dry Creek Road.

AZ PZ

Site Access

The site would be accessed by a single, existing driveway on Dry Creek Road.

Sight Distance

At unsignalized driveways a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either turn left or turn right, without requiring the through traffic to radically alter their speed.

Sight distance along Dry Creek Road from the proposed driveway was evaluated based on sight distance criteria contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines include recommended sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches and for drivers of stopped vehicles at the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left as compared to turning right.

A field visit of the project site and study area was conducted. Sight distance was measured from a 3.5-foot height at the location of the driver 15 feet back from the edgeline on the minor road to a 4.25-foot object height in the center of the approaching lane of the major road. During the course of the field review a short speed survey was performed that indicates that the 85th percentile speed of drivers approaching the driveway was 53 mph. A design speed of 55 mph was therefore used to capture the actual speed at which drivers are traveling. Based on a 55-mph design speed, AASHTO recommends the sight distances indicated in Table 2 for the associated movements.

**Table 2
Sight Distance Evaluation**

Type of Sight Distance	Minimum (feet)	Available (feet)
✱ Outbound Right Turn	530	800-plus ✱
✱ Outbound Left Turn	610	665 ✱
Following Inbound Left Turn	495	535

As shown in Table 2, the available sight lines for both inbound and outbound movements exceed the minimums recommended for the 55-mph design speed applied. It was noted during the sight visit that there is vegetation that restricts sight lines in both directions (ground-level branches on a tree to the northwest and a bush on the inside of the curve to the southeast). Trimming of this vegetation would increase sight lines and ensure adequate visibility when drivers are substantially exceeding the 50-mph speed limit.

A concern has been expressed by one of the neighbors of the project site that sight distance standards ignore the fact that drivers' reaction times will be impaired as the whole point of special events is to drink wine. However, it is noted that wineries are responsible for monitoring the consumption of alcohol on their premises and law enforcement officials are responsible for the enforcement of driver behavior. Engineering studies are based on the typical conditions of the land use, roadways and motorists. Based on observations of wine tasting events in Dry Creek Valley it has been noted that many attendees have a designated driver. Further, events generally provide only wine tasting, or a small amount of various kinds

Executive Summary

To address ongoing concerns about the potential traffic impacts associated with the proposed Hale Vineyard Winery project, the letter report initially prepared for the project was expanded and later amended. These letters have been compiled into this single, comprehensive report for the benefit of the Board of Supervisors as well as the public. This report does not present new information; rather, it organizes and expands upon the information previously provided.

The proposed project would allow construction of a winery producing 25,000 cases annually at 4304 Dry Creek Road; the site is currently occupied by a storage facility and a 35-acre vineyard. The proposal also includes 24 special events. The winery and tasting room operation are expected to generate an average of 50 new trips per day, including 9 during the weekday p.m. peak hour and 10 during the Saturday midday peak hour; up to 92 trip ends would be generated by a large special event. The parking as proposed is adequate to serve all site uses.

Dry Creek Road currently carries about 3,050 vehicles per day on weekdays. While it has experienced an above average collision rate, the rate was not substantially above average, and review of the individual collisions did not indicate any specific safety concern. It is operating at LOS A during the weekday evening peak hour, and would operate at LOS B with project trips added. A sensitivity analysis indicates that up to 250 trips could be added to Dry Creek Road in each direction without exceeding the County's LOS C standard. The project trips, as well as those associated with multiple special events occurring simultaneously, would therefore be expected to have a less-than-significant impact.

Access to the project site will occur via the existing driveway at the westerly side of Dry Creek Road approximately 1500 feet south of Norris Road where sight lines in both directions are adequate. Additional visibility could be achieved by trimming vegetation along both sides of the road. A left-turn lane on Dry Creek Road at the project driveway is not warranted.

To support planned future construction of bike lanes along the section of Dry Creek Road serving the project site, right-of-way should be dedicated as necessary to achieve the width needed for the road widening.

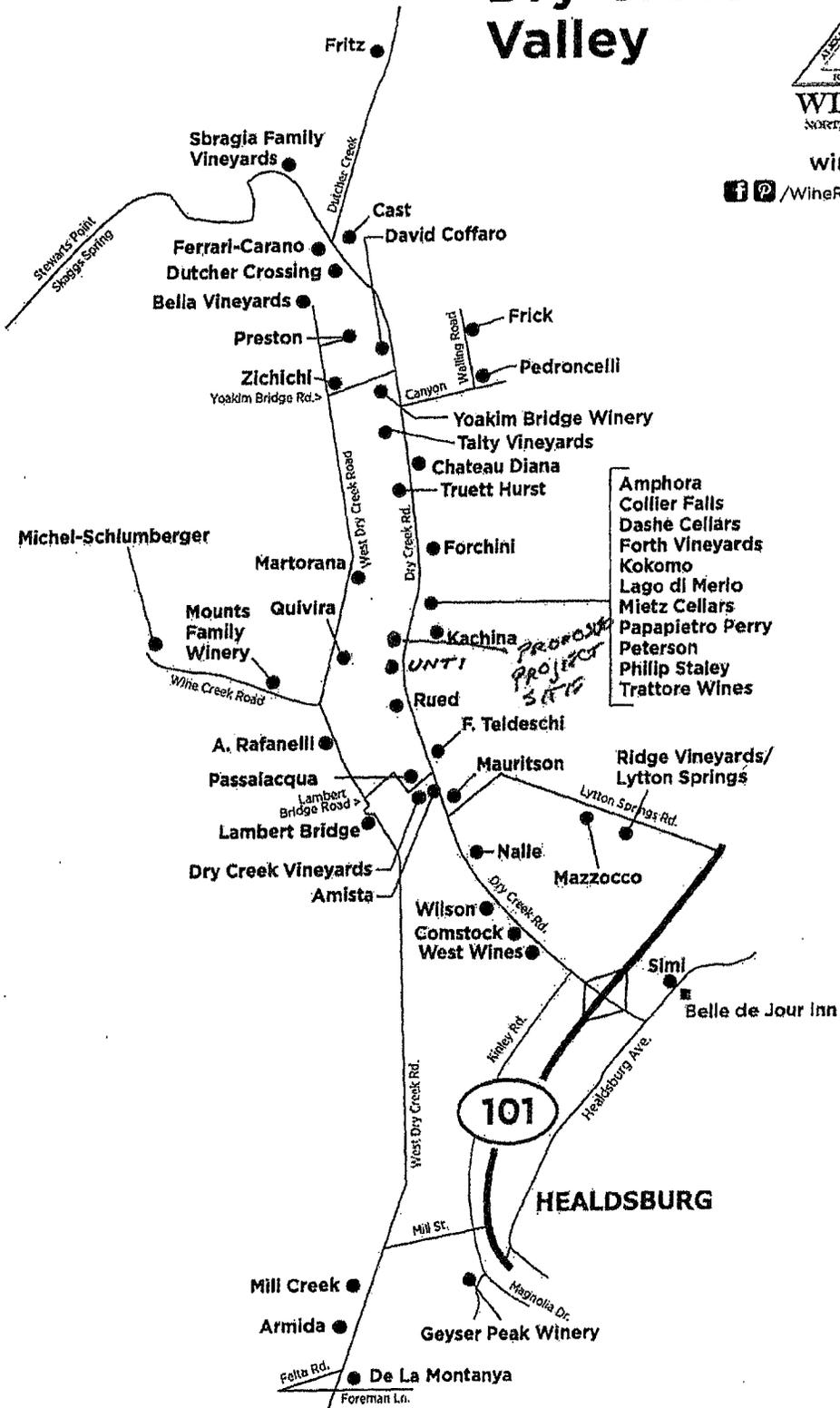
Dry Creek Valley



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A3 P.1

Executive Summary

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Dry Creek Road currently carries about 3,050 vehicles per day on weekdays. While it has experienced an above average collision rate, the rate was not substantially above average, and review of the individual collisions did not indicate any specific safety concern. It is operating at LOS A during the weekday evening peak hour, and would operate at LOS B with project trips added. A sensitivity analysis indicates that up to 250 trips could be added to Dry Creek Road in each direction without exceeding the County's LOS C standard. The project trips, as well as those associated with multiple special events occurring simultaneously, would therefore be expected to have a less-than-significant impact.

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To support planned future construction of bike lanes along the section of Dry Creek Road serving the project site, right-of-way should be dedicated as necessary to achieve the width needed for the road widening.

Traffic counts for Saturday and Sunday were also reviewed, and it was determined that, while the peak hour on a Saturday occurs during the middle of the day, the volumes are very similar to those during the weekday evening peak hour. Volumes during the Sunday peak hour, which was also during the middle of the day, were lower than those on either a Saturday or during the evening peak hour. The analysis using peak hour volumes therefore adequately captures operation on a weekend as well.

Consideration was given to the potential for multiple events to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, even if five such events occurred in the same area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

One concern expressed regarding the project is that traffic control officers should be mandatory for special events. The analysis performed indicates that there is no need for such a requirement, as traffic operations would continue to be acceptable with the addition of project-generated trips.

Finding: Due to the minimal number of peak hour trips that the project is expected to generate, traffic operation is expected to be essentially unchanged upon adding project-generated trips. Further, there is sufficient capacity to accommodate trips associated with special events, even if multiple events occurred simultaneously. The project would therefore have a less-than-significant impact on traffic operation.

The Table below depicts existing wineries and tasting rooms along Dry Creek Road within 1.5 miles to 2 miles of the project site.

Wineries South of Site	Location	Production Capacity - Cases	Public Tasting	Permitted for Events	Distance from Project Site
✓ Nalle	2383 Dry Creek Rd UPE03-0050	10,000	Yes	No	2.1 miles
✓ Mauritson	2859 Dry Creek Rd UPE01-0101	25,000	Yes	12 w/100 guests	1.6 miles
✓ F. Teldeschi	3555 Dry Creek Rd UPE90-0197	10,000	Yes	no	1.35 miles
✓ Amista	3320 Dry Creek Rd UPE04-0047	20,000	Yes	no	1.4 miles
✓ Rued	3850 Dry Creek Rd UPE11-0088 (Approved 11-2012)	8,500	Yes	17 events w/100 guests	0.70 miles
✓ Mascherini (Yellow-Dog Vineyard)	3998 Dry Creek Rd UPE10-0043 Approved 4/2011 (To date- not in operation)	No Winery	Yes	20 w/ 50 guests maximum. 8 industry-wide events.	0.32 miles
✓ Unti	4202 (aka 4254) Dry Creek Rd UPE02-0039	10,000	Yes	5 industry-wide	0.08 miles
Wineries North of Site					
Chateau Diana	6195 Dry Creek Rd UPE05-0082 (Approved 9-2008)	15,000	Yes	Industry-wide unspecified	1.8 miles
Truett Hurst	5610 Dry Creek Rd UPE05-0006 (Approved 11-2006)	40,000	Yes	30 events w/200 guests	1.3 miles
✓ Forchini	5141 Dry Creek Rd UPE09-0032	5,000	Yes	4 events w/60 guests	0.80 miles
Dry Creek Coop of Family Wineries/Timber Crest Farms	4791 Dry Creek Rd UPE04-0148	65,000	Yes	4 events w/180 guests	0.50 miles
✓ Kachina	4551 Dry Creek Rd UPE07-0072	2,500	No-Appointment Only	12 events w/30 guests	0.10 miles
✓ Lawton Pech Merle Winery - Ruby Dog LLC	4543 Dry Creek Road, Healdsburg Approved 4/2009, Extension of time Approved 11/2011. UP vested -determined by PRMD.	30,000	Yes	10 w/ 100 guests and 5 w/ 200 guests. Industry wide events allowed (# not specified)	0.15 miles

The site at Timber Crest Farms encompasses a variety of small businesses such as: custom-made sauce manufacturer, an olive oil company, wineries, tasting rooms and vineyard root stock companies.

Similar to findings made on recently approved projects, adding more winery and tasting room along Dry Creek Road does not result in an overconcentration because the project generated traffic will not result in road access conflicts and would not exceed the level of service for Dry Creek Road, the project site is located in a Zone 1 water area, and the building design is in character with the rural area. Also, this project was previously approved in 2007 with an extension of time approval in 2009. The request is being



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Healdsburg, CA
95448
707.431.7767

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Our Event Calendar

October 2015

Fall Wine Club Appreciation and Pick Up Party

12:00 PM to 3:00 PM *Sat, Oct 24, 2015*

Venue: in the Amphora Cellar

Contact: Jim Walter (707) 431-7767, jim@amphorawines.com

Our Wine Club members are invited to pick up their Fall selections and enjoy some tasty BBQ on Saturday, October 24, 2015, from noon to 3pm.

We're serving a whole, 18-hour smoked pig from Hamburger Ranch & BBQ, and some classic (and not so classic) barbecue side dishes too.

We'll be pouring some surprise wines, and offering some great deals too. We might even be able to talk Rick and friends into a little jam session too!

RSVP REQUIRED BY OCTOBER 17th. Call us at 707-431-7767, or email jim@amphorawines.com

Club members are welcome to bring guests:

- two complimentary guests for Gold/Little Dipper Club members
- up to four complimentary guests for Platinum/Big Dipper Club members, and
- up to six complimentary guests for Concierge/Case Club members.

Additional guests \$15 each. 21 and over only, please!

November 2015

Chardonnay & Oysters

11:00 AM to 3:00 PM *Fri, Nov 27, 2015*

Venue: in the Amphora Cellar

On the day after Thanksgiving, just say "no" to the turkey leftovers, and join us to celebrate the start of the holidays

Available for purchase *à la carte*, we'll have fresh Tomales Bay oysters on the half-shell, homemade clam chowder, and wines by the glass or bottle.

Oysters and Chardonnay - what could be better?

11am - 3pm, Friday, November 27th

Check out our special Reserve Tasting which kicks off this same day; details below.

Reserve Sparkling Wine and Port Tasting

12:00 PM to 3:00 PM *Fri, Nov 27, 2015 - Sat, Dec 26, 2015*

Venue: Fri. Nov. 27th, and then Every SATURDAY, noon-3pm, Nov 28th to Dec. 26th ONLY!

Every Saturday (noon-3pm) during this holiday season we're offering a very special Reserve Tasting:

We're celebrating the release of our very first sparkling wine (2012 Blanc de Blancs) and our first bottling of Zinfandel Port in about five years, both paired with small bites.

This is the only opportunity to taste these very limited-production wines, which are perfect for holiday celebrations. Purchase for yourself, send as a gift, or both!

\$15 per person (complimentary for Wine Club members)

Friday, Nov. 27th, and then these Saturdays ONLY: November 28th, and December 5, 12, 19 and 26th!

Noon-3pm

January 2016

Winter Wineland

11:00 PM to 4:00 PM Sat, Jan 16, 2016 - Sun, Jan 17, 2016

Venue: Wineries in Dry Creek, Alexander, and Russian River Valleys

Join us for two glorious days along Wine Road - Northern Sonoma County as we celebrate the 24th Annual Winter WINEland

It's all about the WINE!

January 16 - 17, 2016
11am - 4pm each day

This is the 24th Annual Winter WINEland and a great opportunity to meet winemakers, taste limited production wines, new releases or library wines. All wineries will have something on SALE for the weekend! Some wineries will offer food pairings and others will have tours. In November download the detailed program to see exactly what each winery will offer for the weekend....then plan your tasting adventure.

Ticket price will include wine tasting at all of the participating wineries for the weekend.

\$45 Weekend, \$35 Sunday Only, \$5 Designated Drivers Online sales Nov. 16-Jan. 11 All prices increase at the door.

March 2016

Barrel Tasting along the Wine Road

Fri, Mar 4, 2016 - Sun, Mar 13, 2016

Venue: Wineries in Dry Creek, Alexander, and Russian River Valleys

Contact: wineroad.com

39th Annual Barrel Tasting

Wine Road - Northern Sonoma County
100+ Wineries!

BARREL TASTING - TWO WEEKENDS.....

March 4-6 & March 11-13, 2016

11:00 am - 4:00 pm each day

Members of the Wine Road would like to welcome you to our wineries and lodgings for an exciting weekend of wine tasting. This is your chance to sample wines from the barrel, talk to winemakers and explore the beautiful Alexander, Dry Creek and Russian River Valleys.

Barrel Tasting is not a food pairing or themed event. It's all about the WINE...many wineries offer "futures" on their barrel samples. This is a chance to purchase wine now, often at a discount, then come back to the winery when the wine is bottled, typically 12-18 months from now. Many wines are so limited, buying futures is your only chance to purchase them.

Attendees are encouraged to pack a picnic as most wineries will not have food for this event. The ticket price includes the opportunity to sample wine from the barrel and in most cases also trying a limited number of current release wines.

Advance tickets online Jan. 22- Feb. 29, 2016

\$50 Weekend, \$35 Sunday Only, \$5

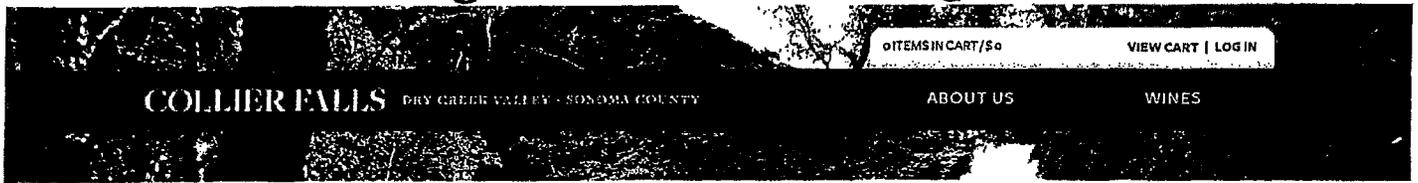
Designated Driver

At the door: \$65 Weekend, \$45 Sunday ONLY, \$10 Designated Driver (food bank donation)

4791 Dry Creek Rd., Healdsburg CA 95448 | 707.431.7767

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TASTING ROOM



Enjoy a glass of Collier Falls on your next trip to Sonoma County. We pour all six of our wines at Family Wineries Tasting Room in Dry Creek Valley. Barry Collier founded Family Wineries to bring several boutique, family-owned wineries together. It's a chance for guests to taste a broad variety of styles from six different wineries all in one room. We've been pouring Collier Falls alongside our fellow friends and vintners in Sonoma County since 2005.

Family Wineries is open 7 days a week and features charming picnic grounds and a bocce court with beautiful Wine Country views. You'll also find imported giftware from France, unique antiques, and a wide selection of gourmet grocery items like olive oils, mustards, and wine-infused chocolate sauces. Collier Falls Fan Club Members enjoy complimentary tastings for up to 3 guests and 10% off all gift and grocery items. See you soon at Family Wineries!



Family Wineries Dry Creek

(888) 433-6555 Ext. 1

4791 Dry Creek Road

Healdsburg, CA 95448

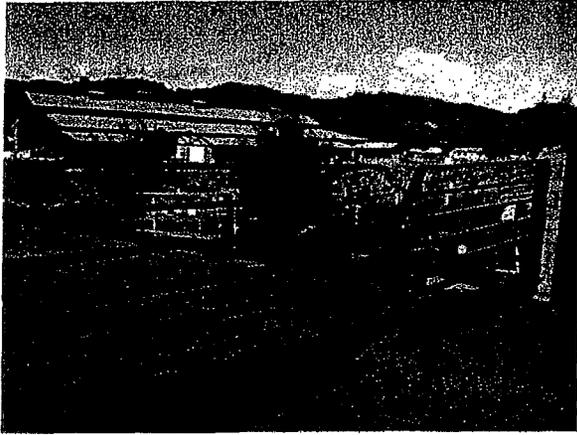
Daily: 10:30am-4:30pm

COMSTOCK wines

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WINERY EXPERIENCES

Daily Tasting

Join us at our expansive tasting bar and discover our wines and the unique story behind our winery. The Tasting includes a selection of our current release wines. Available: Daily 10:30a-4:30p. \$10 per person (Complimentary with wine purchase). Advance reservations required for groups of 8 or more.

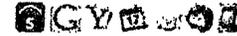
Vineyard Tour and Taste

Learn about our history, philosophy and winemaking techniques, along with our commitment to sustainable farming on a tour of our seventeen-acre estate in the bucolic Dry Creek Valley. Explore our demonstration vineyards and learn about our vineyard practices, winemaking techniques and our commitment to excellence in winemaking. Available: By Appointment. \$25 per person / Wine Club Discount. Reservations required.

Harvest Tour and Lunch

Embark on our signature tour, which takes you a step beyond tasting into a behind-the-scenes peak at our cellar during the height of Harvest. Explore an in-depth winery tour that follows the path of our grapes, from the vineyard to the cellar to finished wine. You will be greeted with a glass of our signature Sauvignon Blanc as you make your way from the vineyards to the crush pad, winemaking cellars and conclude with a seated family style tasting and lunch with a member of our Hospitality Team. Saturday, September 19th. 12:00p \$45 per person / Wine Club Discount. Reservations required.

CONNECT WITH Comstock Wines



OCT 25 9:30 AM	Yoga in the Vines 1290 Dry Creek Road Healdsburg CA	COMSTC W I R
NOV 6 11:30 AM	Winemaker Table COMSTOCK WINES 1290 Dry Creek Road Healdsburg CA	COMSTC W I R
NOV 6 4:00 PM	Bocce & Wine 1290 Dry Creek Road Healdsburg CA	COMSTC W I R
NOV 7 12:00 AM	Wine & Food Affair 1290 Dry Creek Road Healdsburg CA	COMSTC W I R
NOV 8 9:30 AM	Yoga in the Vines 1290 Dry Creek Road Healdsburg CA	COMSTC W I R
NOV	Yoga in the Vines	

A3 P.8

DASHE CELLARS

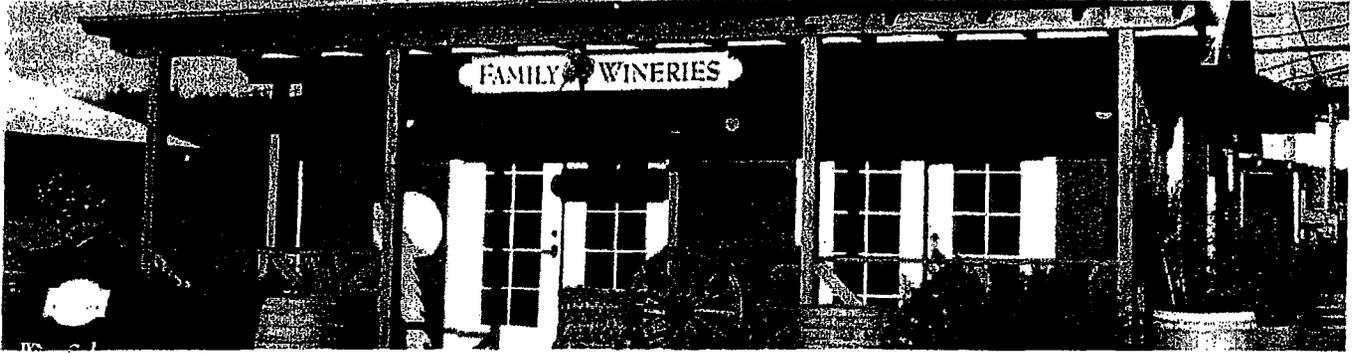
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DRY CREEK TASTING ROOM

10:30am to 4:30pm Daily

Family Wineries of Dry Creek Valley
4791 Dry Creek Road
Healdsburg CA 95448

707.433.0100 (Tel)
707.433.0111 (Fax)
www.familywineries.com

TASTE & VISIT

OAKLAND WINERY &
TASTING ROOM

DRY CREEK TASTING
ROOM

WINE GARDEN



[click here for map and directions]



FROM THE BLOG

- May 29, 2015 - Wishing Happy Trails (and All the Best) to Jeff Cohn Cellars!
- Apr 22, 2015 - Budding Winemakers Take Over Dashe
- Apr 11, 2014 - Making Winemakers by the Dozens

WINERY & TASTING ROOM

55 4th Street
Oakland, CA 94607
(510) 452-1800 (Tel)

MAP & DIRECTIONS



DRY CREEK TASTING ROOM

Family Wineries of
Dry Creek Valley
4791 Dry Creek Road
Healdsburg CA 95448
(707) 433-0100 (Tel)

MAP & DIRECTIONS



A3 P.9

DEL CARLO WINERY

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Events

Passport to Dry Creek Valley

Saturday & Sunday, April 25 & 26, 2015

Held throughout Dry Creek Valley

This covered multi-winery event is sponsored by the Winegrowers of Dry Creek Valley. Tickets go on sale February 1, 2015. For additional information, please visit drycreekvalley.org

A3 P10



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2015 - 2016 Family Wineries Dry Creek Cooperative Tasting Room Events

24th Annual Winter Wineland, Saturday & Sunday, January 16 & 17, 2016 * 11 am - 4 pm.

This is a great opportunity to meet winemakers, taste limited production wines, new releases or library wines. Some winery participants provide food and wine pairings. Download the detailed program to see exactly what each winery will offer for the weekend...then plan your tasting adventure. Naturally we hope you will start your day with us we are now listed as individual wineries on the online system. Collier Falls, Dashe Cellars, Forth Vineyards, Lago di Merlo Vineyards, Mietz Cellars and Phillip Staley Vineyards. Advance Online Ticket Prices from 2014 are \$50 Weekend, \$40 Sunday Only \$10 Designated Driver, plus tax and online sale fee. Ticket Price increases \$10 at the Door.

38th Annual Barrel Tasting, Friday, Saturday & Sunday, March 4, 5 & 6, 2016 and 11, 12 & 13, 2016 * 11am - 4 pm

We are participating in Barrel Tasting both weekends in 2016. We will be open and serving our regular wines and regular tasting fees (Complimentary for Wine Club Members). We will be pouring limited barrel samples each weekend.

27th Annual Passport to Dry Creek Valley, Saturday & Sunday, April 23 & 24, 2016 * 11 am - 4:30 pm

Passport to Dry Creek Valley is an annual event showcasing the wineries, vineyards and exceptional beauty of Dry Creek Valley. There are 60+ wineries and 150 growers in the Dry Creek Valley, producing a variety of wines to please any palate. Wineries up and down Dry Creek Valley celebrate the magic of their valley with wine, food, entertainment and the hospitality for which Dry Creek Valley is famous. Many of the wineries create a theme around which they showcase their wine. Some examples of past themes include Mardi Gras, Wizard of Oz, Summer of Love, Surf's Up, Disco, Hollywood, Western, and even the Kentucky Derby. Nearly every winery features live entertainment. From Blues to Jazz to 50's rock and roll, you are certain to be carried away by the festive atmosphere that each winery creates. Unlike other large tasting events Passport has a limited amount of participants and therefore offers a more intimate experience.

10th Annual All American Zin Day, Saturday, July 2, 2016 * 11 am - 4 pm

Wineries participating will be Kokomo, Mazzocco Sonoma, Rued, Wilson and Family Wineries Dry Creek, Join us for good food, great wines, commemorative glass all for \$40 in Advance \$50 at the Door. Designated Driver \$15

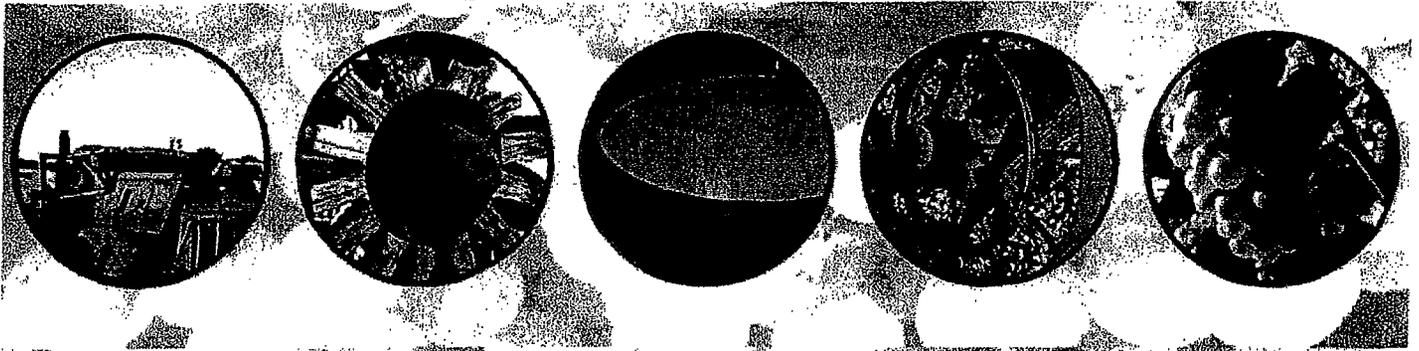
Enjoy Pulled Pork Sandwich from Kokomo, a tradition of Tri-Tip Steak slices at Family Wineries Dry Creek, Mazzocco-Sonoma, serving Skirt Steak, Rued serving barbecued chicken wings, and how could we be without, sausages served up by Wilson Winery

Our Wine Club Pickup parties for 2015 will be Saturday, May 16 and Saturday, November 14. Our Annual Wine Club Party is a BBQ Picnic - Saturday, August 29, 2015, 5pm - 7:30pm at the Picnic Grounds on our Property. \$15 for all Wine Club Members, Guests \$25 of Wine Club Members.

Wine and Food Affair November 7 & 8, 2015 * 11am - 4 pm

We are participating in Wine and Food Affair in 2015 as Dashe Cellars and Mietz Cellars. Two new recipes Roasted Chicken Penne Pasta with Gorgonzola Sauce Served with Mietz Cellars 2013 Pinot Noir and Raspberry Chocolate Brownies served with 2013 Dashe Cellars Late Harvest Dry Creek Zinfandel.

A3 P11



KOKOMO WINERY

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Events

November 2015

Mon	Tue	Wed	Thu	Fri	Sat	Sun
26	27	28	29	30	31	1
2	3	4	5	6	7	8
				Wine & Food Affair (/calendar/event/wine-food-affair) 11/07/2015 - 11:00am	Wine & Food Affair (/calendar/event/wine-food-affair-0) 11/08/2015 - 11:00am	
9	10	11	12	13	14	15

A3 P.12



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Lago di Merlo Vineyards & Winery
 3495 Skaggs Springs Road
 Geyserville, CA 95441
 707-473-0146 (OFFICE)
 707-473-0147 (FAX)
 Email Us

 Lago di Merlo and Ca'Bella Vineyards

Distributorship Inquires:
 707-473-0146 (OFFICE)
 Email Us

Lago di Merlo Tasting Room
 (inside Family Wineries Dry Creek Valley)
 4791 Dry Creek Road Bldg 11
 Healdsburg, CA 95448
 888.433.6555 (VOICE)

Web: www.familywines.com



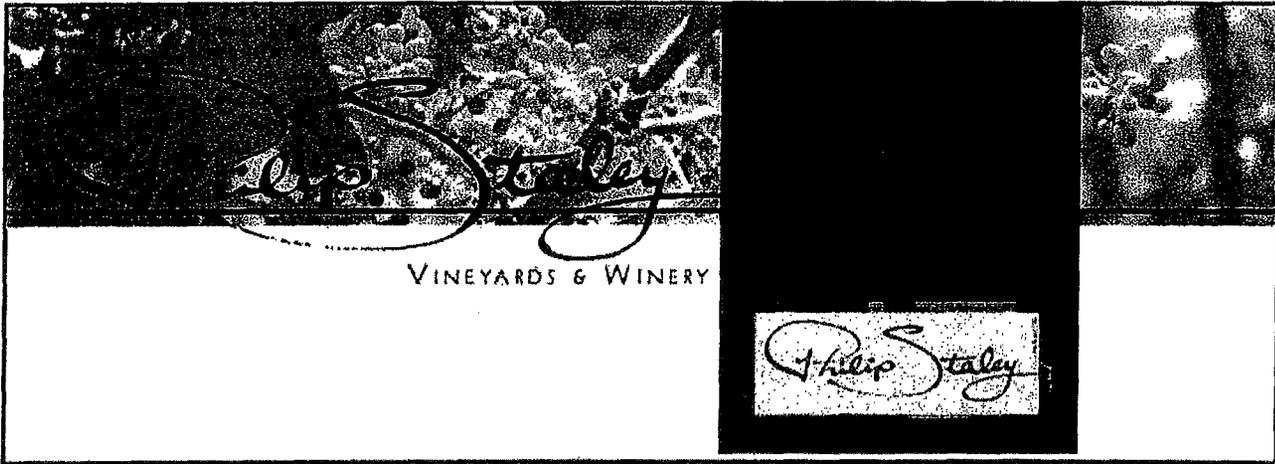
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A3 P.13

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Phillip Staley Vineyards & Winery—

... is a small, family-owned grower/producer of fine wines located in the Alexander Valley near Healdsburg, California, amidst some of the most beautiful country on earth. But if you are touring the wine country here, you won't know where our vineyards are (but they are located in El Dorado County, Sonoma County (Dry Creek Valley, Knights Valley, Russian River Valley, Petaluma Gap appellations) or our winery is. And that's a pity, because it is small wineries like ours that are producing some of California's finest wines. Fortunately, you now can taste our wines at Family Wineries Dry Creek. Some of the wines we are now featuring include white wines as Chardonnay, Duet a classic French White Bordeaux of Sauvignon Blanc and Semillon, Rhone specialty Viognier. Our Reds include varietals like Grenache, an Iberian Blend, Pinot Noir, Syrah and Tempranillo and a Vino Tinto Spanish Blend one of Phil's favorites. And for those of you enjoying dessert wines a Vino Doce Branco Muscat Port and Vino Doce Vermelho Syrah Port.



We use these web pages to communicate with you directly about our passion for wine, our inspirations, and our vision. Please, make yourself at home, read about our wines, Contact Us with your questions, and try some of our wines!

A3 P.14



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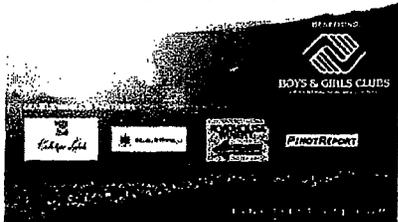
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EVENTS

11TH ANNUAL
RUSSIAN RIVER VALLEY
PINOT ON THE RIVER

100 WINERS SPONSORING THE
115th ANNUAL PINOT ON THE RIVER



Pinot on the River

Come join us at Pinot on the River.
It is always a superb collection of the
best Pinot Noirs in the area.
Healdsburg Plaza is the perfect
setting for this great annual event.

Date: Sunday, October
25, 2015

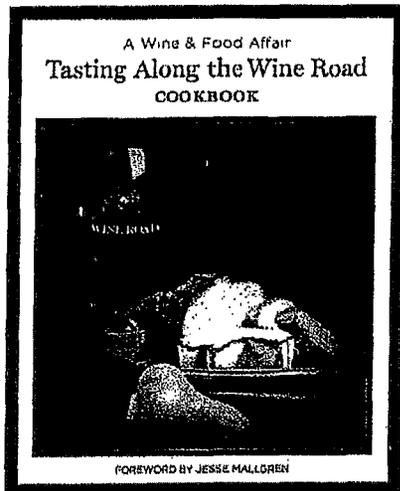
Time: 11:00 - 4:00pm

Location: Healdsburg Plaza

Check it out!

[\(http://www.pinotfestival.com/\)](http://www.pinotfestival.com/)

A3 P.15



Wine & Food Affair

Come join us for the 16th Annual Wine and Food Affair sponsored by the Wine Road of Northern Sonoma County. Every year, there is plentiful food, wine and fun! Be sure to join us Saturday or Sunday.

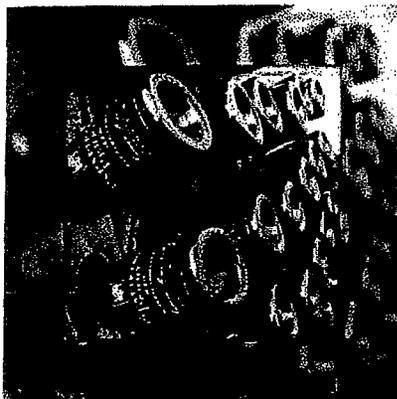
Date: November 7 & 8,
2015

Time: 11:00 - 4:00

Location: At the Winery

Check It Out!

(<http://www.wineroad.com/events/wine-food-affair/>)



Fall Wine Club Appreciation Party - Save the Date!

Come join us as we celebrate Fall and say thank you to all of our loyal Wine Club members. We gather in our cellar and drink great wine, eat wonderful food and visit with old friends while making new ones!

Date: November 14,
2015

Time: 6:00pm - 8:00pm

Location: At the Winery

Get tickets here!

(<https://www.papapietro-perry.com/xs/xs.asp?page=viewcat&cat=events>)

Savor the Date

16th Annual Classic
San Diego Bay Wine & Food Festival
November 15 - 22, 2015



San Diego Bay Wine & Food

We'll be in beautiful San Diego November 20 and 21 pouring at this week long wine and food extravaganza. The grand tasting is held right on the water and is such a beautiful place to wander and sip wine. Come join us!

Date: November 15 -
22, 2015

Location: San Diego

Check It Out!

(<http://www.sandiegowineclassic.com/>)

A3 P.16

f t

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Peterson Winery
 P.O. Box 1374
 4791 Dry Creek Rd. Bldg. 7 Healdsburg
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(/)

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EVENTS

BARREL TASTING WEEKENDS

March 7-8 and 14-15, 2015 | 11 a.m. – 4 p.m.

Timbercrest Farms

4791 Dry Creek Road, Healdsburg, CA 95448

Obtain Tickets from the Northern Sonoma Wine Road

Please RSVP to Participate (http://www.wineroad.com/events/barrel_tasting/11)

A3 P.19

Barrel tasting weekends at Trattore Farms!

Members of the Wine Road would like to welcome you to our wineries and lodgings for an exciting weekend of wine tasting. This is your chance to sample wines from the barrel, talk to winemakers and explore the beautiful Alexander, Dry Creek and Russian River Valleys.

PASSPORT TO DRY CREEK

April 25-26, 2015 |

Obtain Tickets from the Winegrowers of Dry Creek Valley website

Please RSVP to Participate (<http://www.drycreekvalley.org/events/passport-to-dry-creek-valley.php>)

For 26 years, Passport guests are welcomed into 45+ wineries throughout the valley, each offering a unique pairing of premium wine, gourmet food and entertainment.

Tickets are sold first-come-first-served starting Sunday, February 1, 2015, 10 am PST. *This is a sell out event.*

New for 2015: Prelude to Passport - Friday, April 24. Kick off the weekend with a vineyard tour, lunch or winemaker dinner. This is your opportunity to enjoy carefully selected wine and food pairings and spend time with your favorite winemaker or learn about grape growing directly from the source.

GET YOUR BOOTS DIRTY (AGAIN) TOUR

April 25, 2015 | 10:00 am

Trattore Farms

7700 Dry Creek Road, Geyserville, CA 95448

No Passport Ticket Required

Please RSVP to Participate (<mailto:info@trattorefarms.com?subject=Sign me up! Passport Vineyard Tour&body=I would like to join you for the vineyard and orchard tour on Saturday, April 25th at 10am. There will be XX guests attending.>)

Just tell us how many are coming and we'll send you a confirmation

We're doing it again! This year, it's a special invite for you to come see the progress of our winery (and yes, the winery is almost complete) with owner Tim Bucher and world famous winemaker, Kerry Damskey. You'll taste our 7850 Celebration Wine which includes a blend of varietals Tim has been working to create for over 5 years. Sip with us and take in 40 spectacular acres of hillside vineyards and olive orchards overlooking breathtaking Dry Creek Valley. The grand opening of our winery is now summer of 2015 and you will see the progress.

After the tour, join us at Timbercrest Farms for our last Passport event at this location. We have more pizza recipes to share with you. Pizzas will be drizzled with our newly released olive oils, and paired with our latest wines. You won't be disappointed, just elated!

Rooted in European tradition, Trattore translates to "tractor" in Italian and is a tribute to Tim Bucher's appreciation for the enduring craftsmanship symbolized by his collection of vintage tractors. Trattore Estate Vineyards: 7700 Dry Creek Road, Geyserville, CA 95441 come up the driveway to the top of the hill, turn left until you see the winery building where the tour will start and end.

WINE AND FOOD AFFAIR

November 7-8, 2014 | 11 AM – 4 PM

Our new tasting room at 7878 Dry Creek Road!

7878 Dry Creek Road, Geyserville, CA 95441

Obtain Tickets from the Northern Sonoma Wine Road

Please RSVP to Participate (<https://www.wineroad.com/events/wine-food-affair/>)

Join us for a weekend of wine and food. Stay tuned for details.

WINTER WINELAND

January 17-18, 2016 | 11 a.m. – 4 p.m.

Our new tasting room at 7878 Dry Creek Road!

7878 Dry Creek Road, Geyserville, CA 95441

Obtain Tickets from the Northern Sonoma Wine Road

Please RSVP to Participate (<https://www.wineroad.com/events/winter-wineland/>)

Join Trattore Farms for a mid-winter celebration!

Tickets go on Sale November 10, 2016

This is the 24th Annual Winter WINEland and a great opportunity to meet winemakers, taste limited production wines, new releases or library wines. **All wineries will have something on SALE for the weekend!** Some wineries will offer food pairings and others will have tours. In Mid-December download the detailed program to see exactly what each winery will offer for the weekend....then plan your tasting adventure.

Ticket price will include wine tasting at all of the participating wineries for the weekend.

\$45 Weekend, \$35 Sunday Only, \$5 Designated Drivers Online sales Nov. 10-Jan. 11 *All prices increase at the door.*

NEW this year – we will also be hosting a **Breakfast with the Winemaker** on Saturday Jan. 16 from 9:00-10:30. Details to follow...

Winter WINEland does not take place at one location, you travel from winery to winery, visiting the ones you are interested in exploring.

A Sense of Place in Dry Creek Valley

Customer Service

Contact Us (/contact-us/)

(707) 431-7200 (tel:+17074317200)

Our Address

4791 Dry Creek Road (/visit-us/directions/)

Healdsburg, CA 95448 (/visit-us/directions/)

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(<https://twitter.com/TrattoreFarms>)



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Site by Kreck Design (<http://www.kreck.com/>)

SUSTAINABLE

area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

One concern expressed by a neighbor was the project should use a traffic control officers for special events. The analysis performed indicates that there is no need for such a requirement, as traffic operations would continue to be acceptable with the addition of project-generated trips.

Finding: Due to the minimal number of peak hour trips that the project is expected to generate, traffic operation is expected to be essentially unchanged upon adding project-generated trips. Further, there is sufficient capacity to accommodate trips associated with special events, even if multiple events occurred simultaneously. The project would therefore have a less-than-significant impact on traffic operation.

Alternative Modes:

Dry Creek Road is a popular route for bicycle travel, but has little pedestrian traffic. Dry Creek Road has wide shoulders in the easterly part of the route that provide cyclists with a place to ride that is outside the vehicle travel lane. Within the project area Dry Creek Road is designated as a future Class II bike route in the Sonoma County Bicycle and Pedestrian Plan. The project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel. However, to provide for the planned future bike lanes, the project should ensure that adequate right-of-way is available along the project's frontage so that at such time as the County undertakes a project to construct the bike lanes they will have adequate width to build the lane.

Finding: The project will have no direct impact on adequacy of facilities for bicyclists, but should provide for planned future improvements as appropriate. The project site would use the existing driveway located on the south side of the property directly off of Dry Creek Road.

Recommendation: The project should dedicate right-of-way as necessary to accommodate a 6-foot shoulder on Dry Creek Road along the project site's roadway frontage.

Sight Distance:

At unsignalized driveways a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either turn left or turn right, without requiring the through traffic to radically alter their speed.

Sight distance along Dry Creek Road from the proposed driveway was evaluated based on sight distance criteria contained in A Policy on Geometric Design on Highways and Streets published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines include recommended sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches and for drivers of stopped vehicles at the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left as compared to turning right.

W-Trans conducted a field visit of the project site and study area. Sight distance was measured from a 3.5-foot height at the location of the driver 15 feet back from the edgeline on the minor road to a 4.25-foot object height in the center of the approaching lane of the major road. During the field review, W-Trans performed a short speed survey that indicated that the 85th percentile speed of drivers approaching the driveway was 53 mph. A design speed of 55 mph was therefore used to capture the actual speed at which drivers are traveling. Based on a 55-mph design speed, AASHTO recommends the sight distances indicated in Table 2 for the associated movements.

A4 P.1



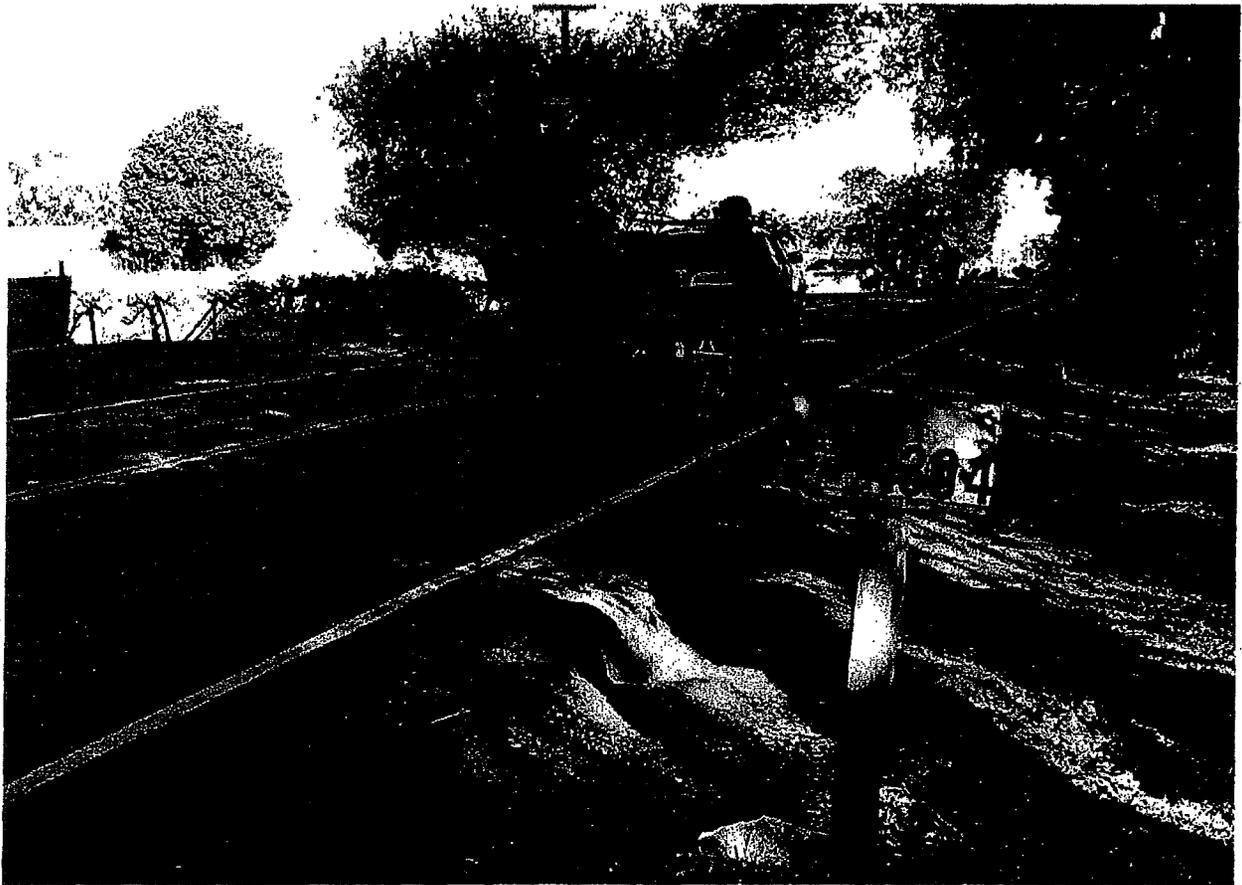
A4 P.2



A4 P.3



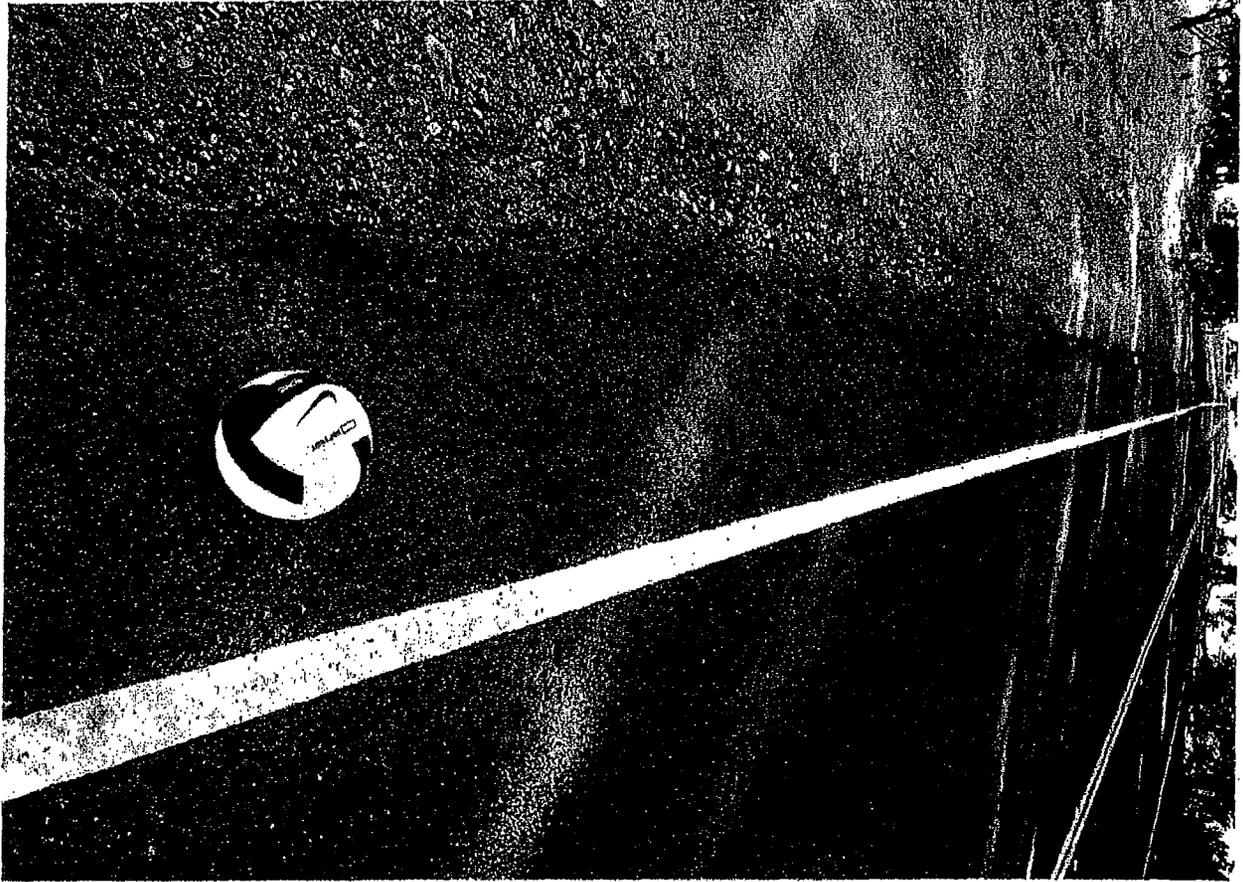
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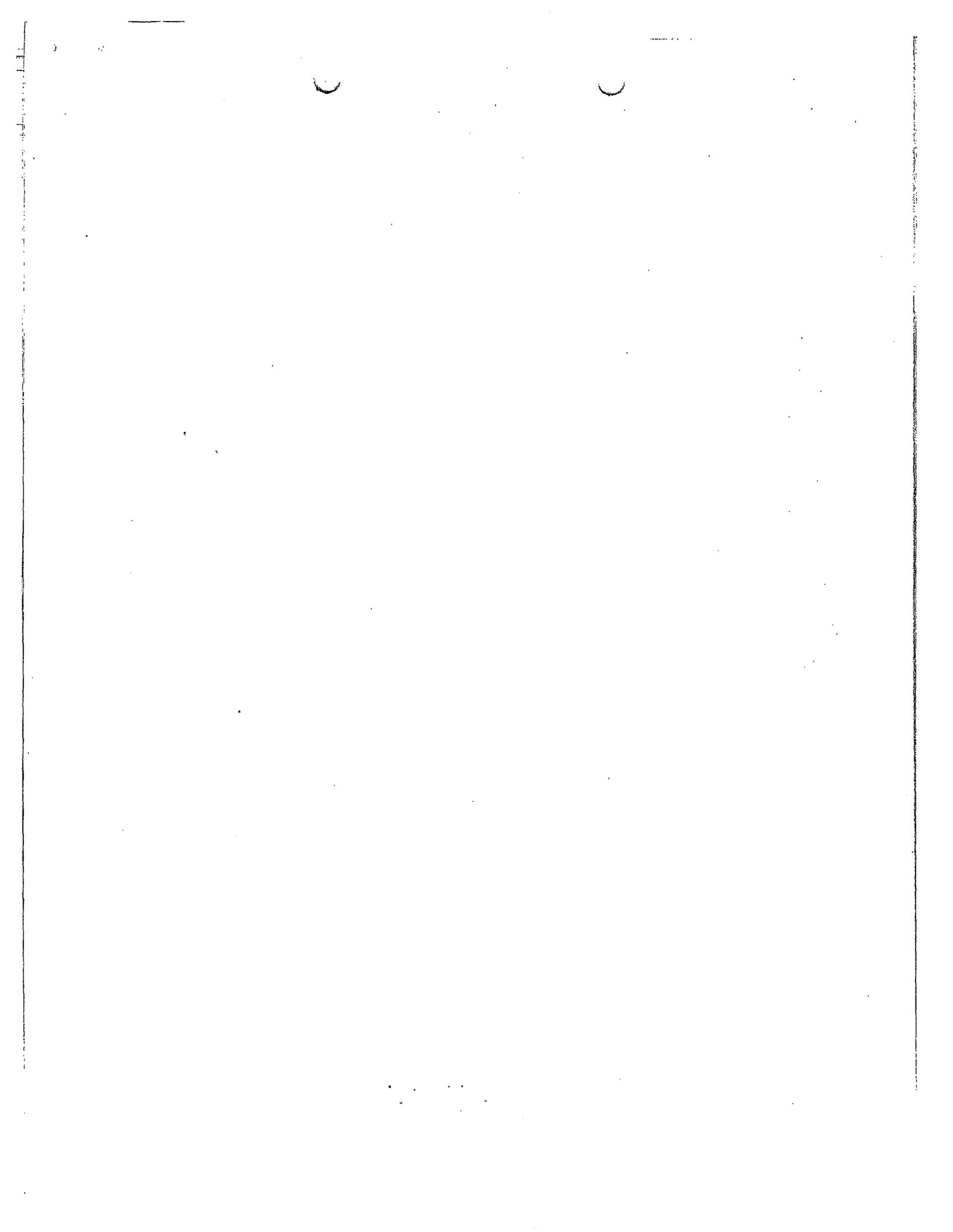
1A4 P.5



A4 P.6



A4 P.7





A4 P.8

Percent Time-Spent-Following

Direction	Analysis (d)	Opposing (o)	
PCE for trucks, ET	1.0	1.1	
PCE for RVs, ER	1.0	1.0	
Heavy-vehicle adjustment factor, fHV	1.000	0.994	
Grade adjustment factor, (note-1) fg	1.00	1.00	
Directional flow rate, (note-2) vi	143 pc/h	223	pc/h
Base percent time-spent-following, (note-4) BPTSFD	16.6	%	
Adjustment for no-passing zones, fnp	53.9		
Percent time-spent-following, PTSFD	37.7	%	

Level of Service and Other Performance Measures

Level of service, LOS	A	
Volume to capacity ratio, v/c	0.08	
Peak 15-min vehicle-miles of travel, VMT15	71	veh-mi
Peak-hour vehicle-miles of travel, VMT60	250	veh-mi
Peak 15-min total travel time, TT15	1.4	veh-h
Capacity from ATS, CdATS	1329	veh/h
Capacity from PTSF, CdPTSF	1675	veh/h
Directional Capacity	1675	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	49.2	mi/h
Percent time-spent-following, PTSFD (from above)	37.7	
Level of service, LOSd (from above)	A	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSpl	-	
Percent free flow speed including passing lane, PFFSpl	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

A4 P.109

Percent Time-Spent-Following

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	1.0	1.1
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fhv	1.000	0.994
Grade adjustment factor, (note-1) fg	0.99	1.00
Directional flow rate, (note-2) vi	196 pc/h	223 pc/h
Base percent time-spent-following, (note-4) BPTSfd	21.9 %	
Adjustment for no-passing zones, fnp	60.3	
Percent time-spent-following, PTSFd	50.1 %	

Level of Service and Other Performance Measures

Level of service, LOS	B
Volume to capacity ratio, v/c	0.12
Peak 15-min vehicle-miles of travel, VMT15	97 veh-mi
Peak-hour vehicle-miles of travel, VMT60	342 veh-mi
Peak 15-min total travel time, TT15	2.0 veh-h
Capacity from ATS, CdATS	1329 veh/h
Capacity from PTSF, CdPTSF	1675 veh/h
Directional Capacity	1675 veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	48.8	mi/h
Percent time-spent-following, PTSFd (from above)	50.1	
Level of service, LOSd (from above)	B	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSpl	-	
Percent free flow speed including passing lane, PFFSpl	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A
Peak 15-min total travel time, TT15	- veh-h

Bicycle Level of Service

* *
A4 P.10

Percent Time-Spent-Following

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	1.0	1.0
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	1.000
Grade adjustment factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	426 pc/h	506 pc/h
Base percent time-spent-following, (note-4) BPTSFD	46.8 %	
Adjustment for no-passing zones, fnp	39.2	
Percent time-spent-following, PTSFD	64.7 %	

Level of Service and Other Performance Measures

Level of service, LOS	C
Volume to capacity ratio, v/c	0.25
Peak 15-min vehicle-miles of travel, VMT15	213 veh-mi
Peak-hour vehicle-miles of travel, VMT60	750 veh-mi
Peak 15-min total travel time, TT15	4.6 veh-h
Capacity from ATS, CdATS	1680 veh/h
Capacity from PTSF, CdPTSF	1700 veh/h
Directional Capacity	1700 veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	46.7	mi/h
Percent time-spent-following, PTSFD (from above)	64.7	
Level of service, LOSd (from above)	C	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSpl	-	
Percent free flow speed including passing lane, PFFSpl	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A
Peak 15-min total travel time, TT15	- veh-h

Bicycle Level of Service

A4 P. 14

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**SECTION 1.** Section 21750 of the Vehicle Code is amended to read:

21750. (a) The driver of a vehicle overtaking another vehicle or a bicycle proceeding in the same direction shall pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle, subject to the limitations and exceptions set forth in this article.

(b) This section shall become inoperative on September 16, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 21750 is added to the Vehicle Code, to read:

21750. (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle, subject to the limitations and exceptions set forth in this article.

(b) This section shall become operative on September 16, 2014.

SEC. 3. Section 21760 is added to the Vehicle Code, to read:

21760. (a) This section shall be known and may be cited as the Three Feet for Safety Act.

(b) The driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway shall pass in compliance with the requirements of this article applicable to overtaking and passing a vehicle, and shall do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, visibility, and the surface and width of the highway.

(c) A driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator.

(d) If the driver of a motor vehicle is unable to comply with subdivision (c), due to traffic or roadway conditions, the driver shall slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, visibility, and surface and width of the highway.

(e) (1) A violation of subdivision (b), (c), or (d) is an infraction punishable by a fine of thirty-five dollars (\$35).

(2) If a collision occurs between a motor vehicle and a bicycle causing bodily injury to the operator of the bicycle, and the driver of the motor vehicle is found to be in violation of subdivision (b), (c), or (d), a two-hundred-twenty-dollar (\$220) fine shall be imposed on that driver.

(f) This section shall become operative on September 16, 2014.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Transfer Station or County Landfill before the end of the seventh day.

Smoking:

48. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
49. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

50. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width as necessary to create public right-of-way a total of thirty (30) feet wide on the Developer's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Dry Creek Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
51. Right-of-way shall be dedicated as roadway easement. The Developer shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. The deed shall be recorded prior to clearance of this condition.
52. The Developer shall construct or install improvements described as follows:
 - a. Supplement the width of Dry Creek Road in the northbound direction to create the improved roadway described below. The maximum improved road width, measured between the roadway centerline and the new easterly edge of pavement, is 20 feet. The improvements shall include:
 1. A twelve (12) foot wide travel lane;
 2. A minimum 100-foot long, eight (8) foot wide paved shoulder, centered on the extension of the center of the Developer's new driveway entrance;
 3. Paved tapers at both ends of the widening; the taper length shall be based on Caltrans design requirements for left-turn lane approach tapers and a design speed of 30 miles-per-hour.
 4. Two (2) foot wide shoulder backing as needed along the new edge of pavement.
 - b. The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, re-striping, drainage facilities, metal beam guardrail, overhead utilities relocation, etc, all as necessary to create the required widths and structural section(s).
53. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The pavement design for Dry Creek Road shall be based on a Traffic Index (TI) of 10.0. A soils report for public road purposes is not required for a design based on an R-value of 5.0.
54. To allow for the smooth and safe movement of passenger vehicles and single-unit trucks entering and exiting

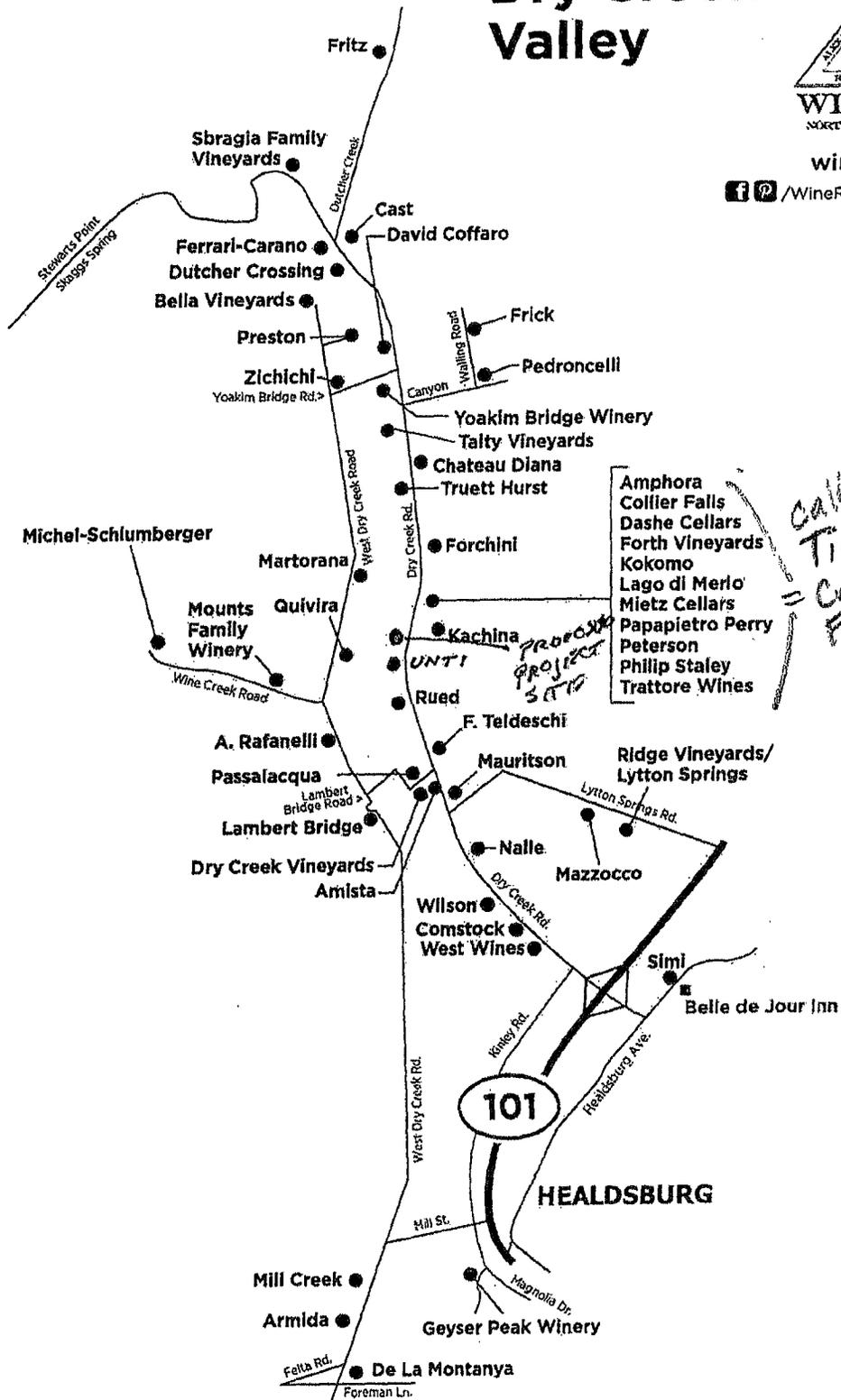
A4 P.13

Dry Creek Valley



wineroad.com

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A3 P.1

Executive Summary

To address ongoing concerns about the potential traffic impacts associated with the proposed Hale Vineyard Winery project, the letter report initially prepared for the project was expanded and later amended. These letters have been compiled into this single, comprehensive report for the benefit of the Board of Supervisors as well as the public. This report does not present new information; rather, it organizes and expands upon the information previously provided.

The proposed project would allow construction of a winery producing 25,000 cases annually at 4304 Dry Creek Road; the site is currently occupied by a storage facility and a 35-acre vineyard. The proposal also includes 24 special events. The winery and tasting room operation are expected to generate an average of 50 new trips per day, including 9 during the weekday p.m. peak hour and 10 during the Saturday midday peak hour; up to 92 trip ends would be generated by a large special event. The parking as proposed is adequate to serve all site uses.

Dry Creek Road currently carries about 3,050 vehicles per day on weekdays. While it has experienced an above average collision rate, the rate was not substantially above average, and review of the individual collisions did not indicate any specific safety concern. It is operating at LOS A during the weekday evening peak hour, and would operate at LOS B with project trips added. A sensitivity analysis indicates that up to 250 trips could be added to Dry Creek Road in each direction without exceeding the County's LOS C standard. The project trips, as well as those associated with multiple special events occurring simultaneously, would therefore be expected to have a less-than-significant impact.

Access to the project site will occur via the existing driveway at the westerly side of Dry Creek Road approximately 1500 feet south of Norris Road where sight lines in both directions are adequate. Additional visibility could be achieved by trimming vegetation along both sides of the road. A left-turn lane on Dry Creek Road at the project driveway is not warranted.

To support planned future construction of bike lanes along the section of Dry Creek Road serving the project site, right-of-way should be dedicated as necessary to achieve the width needed for the road widening.

Traffic counts for Saturday and Sunday were also reviewed, and it was determined that, while the peak hour on a Saturday occurs during the middle of the day, the volumes are very similar to those during the weekday evening peak hour. Volumes during the Sunday peak hour, which was also during the middle of the day, were lower than those on either a Saturday or during the evening peak hour. The analysis using peak hour volumes therefore adequately captures operation on a weekend as well.

Consideration was given to the potential for multiple events to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, even if five such events occurred in the same area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

One concern expressed regarding the project is that traffic control officers should be mandatory for special events. The analysis performed indicates that there is no need for such a requirement, as traffic operations would continue to be acceptable with the addition of project-generated trips.

Finding: Due to the minimal number of peak hour trips that the project is expected to generate, traffic operation is expected to be essentially unchanged upon adding project-generated trips. Further, there is sufficient capacity to accommodate trips associated with special events, even if multiple events occurred simultaneously. The project would therefore have a less-than-significant impact on traffic operation.

The Table below depicts existing wineries and tasting rooms along Dry Creek Road within 1.5 miles to 2 miles of the project site.

Wineries South of Site	Location	Production Capacity - Cases	Public Tasting	Permitted for Events	Distance from Project Site
✓Nalle	2383 Dry Creek Rd UPE03-0050	10,000	Yes	No	2.1 miles
✓Mauritson	2859 Dry Creek Rd UPE01-0101	25,000	Yes	12 w/100 guests	1.6 miles
✓F. Teldeschi	3555 Dry Creek Rd UPE90-0197	10,000	Yes	no	1.35 miles
✓Amista	3320 Dry Creek Rd UPE04-0047	20,000	Yes	no	1.4 miles
✓Rued	3850 Dry Creek Rd UPE11-0088 (Approved 11-2012)	8,500	Yes	17 events w/100 guests	0.70 miles
✓Mascherini (Yellow-Dog Vineyard)	3998 Dry Creek Rd UPE10-0043 Approved 4/2011 (To date- not in operation)	No Winery	Yes	20 w/ 50 guests maximum. 8 industry-wide events.	0.32 miles
✓Unti	4202 (aka 4254) Dry Creek Rd UPE02-0039	10,000	Yes	5 industry-wide	0.08 miles
Wineries North of Site					
Chateau Diana	6195 Dry Creek Rd UPE05-0082 (Approved 9-2008)	15,000	Yes	Industry-wide unspecified	1.8 miles
Truett Hurst	5610 Dry Creek Rd UPE05-0006 (Approved 11-2006)	40,000	Yes	30 events w/200 guests	1.3 miles
✓Forchini	5141 Dry Creek Rd UPE09-0032	5,000	Yes	4 events w/60 guests	0.80 miles
Dry Creek Coop of Family Wineries/Timber Crest Farms	4791 Dry Creek Rd UPE04-0148	65,000	Yes	4 events w/180 guests	0.50 miles
✓Kachina	4551 Dry Creek Rd UPE07-0072	2,500	No-Appointment Only	12 events w/30 guests	0.10 miles
✓Lawton Pech Merle Winery - Ruby Dog LLC	4543 Dry Creek Road, Healdsburg Approved 4/2009, Extension of time Approved 11/2011. UP vested -determined by PRMD.	30,000	Yes	10 w/ 100 guests and 5 w/ 200 guests. Industry wide events allowed (# not specified)	0.15 miles

The site at Timber Crest Farms encompasses a variety of small businesses such as: custom-made sauce manufacturer, an olive oil company (wineries), tasting rooms and vineyard root stock companies.

Similar to findings made on recently approved projects, adding more winery and tasting room along Dry Creek Road does not result in an overconcentration because the project generated traffic will not result in road access conflicts and would not exceed the level of service for Dry Creek Road, the project site is located in a Zone 1 water area, and the building design is in character with the rural area. Also, this project was previously approved in 2007 with an extension of time approval in 2009. The request is being

A3 P.4



Our Event Calendar

Happenings

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Visit the Winery

Tasting Room Open Daily
11am - 4:30pm

4791 Dry Creek Rd.
Healdsburg, CA
95448
707.431.7767

[Get Directions](#)

Sign up for our Newsletter

Email

October 2015

Fall Wine Club Appreciation and Pick Up Party

12:00 PM to 3:00 PM *Sat, Oct 24, 2015*

Venue: In the Amphora Cellar

Contact: Jim Walter (707) 431-7767, jim@amphorawines.com

Our Wine Club members are invited to pick up their Fall selections and enjoy some tasty BBQ on Saturday, October 24, 2015, from noon to 3pm.

We're serving a whole, 18-hour smoked pig from Hamburger Ranch & BBQ, and some classic (and not so classic) barbecue side dishes too.

We'll be pouring some surprise wines, and offering some great deals too. We might even be able to talk Rick and friends into a little jam session too!

RSVP REQUIRED BY OCTOBER 17th. Call us at 707-431-7767, or email jim@amphorawines.com

Club members are welcome to bring guests:

- two complimentary guests for Gold/Little Dipper Club members
- up to four complimentary guests for Platinum/Big Dipper Club members, and
- up to six complimentary guests for Concierge/Case Club members.

Additional guests \$15 each. 21 and over only, please!

November 2015

Chardonnay & Oysters

11:00 AM to 3:00 PM *Fri, Nov 27, 2015*

Venue: In the Amphora Cellar

On the day after Thanksgiving, just say "no" to the turkey leftovers, and join us to celebrate the start of the holidays

Available for purchase *à la carte*, we'll have fresh Tomales Bay oysters on the half-shell, homemade clam chowder, and wines by the glass or bottle.

Oysters and Chardonnay - what could be better?

11am - 3pm, Friday, November 27th

Check out our special Reserve Tasting which kicks off this same day; details below.

Reserve Sparkling Wine and Port Tasting

12:00 PM to 3:00 PM *Fri, Nov 27, 2015 - Sat, Dec 26, 2015*

Venue: Fri. Nov. 27th, and then Every SATURDAY, noon-3pm, Nov 28th to Dec. 26th ONLY!

Every Saturday (noon-3pm) during this holiday season we're offering a very special Reserve Tasting!

We're celebrating the release of our very first sparkling wine (2012 Blanc de Blancs) and our first bottling of Zinfandel Port in about five years, both paired with small bites.

This is the only opportunity to taste these very limited-production wines, which are perfect for holiday celebrations. Purchase for yourself, send as a gift, or both!

\$15 per person (complimentary for Wine Club members)

Friday, Nov. 27th, and then these Saturdays ONLY: November 28th, and December 5, 12, 19 and 26th!

Noon-3pm

A3 P.5

January 2016

Winter Wineland

11:00 PM to 4:00 PM Sat, Jan 16, 2016 - Sun, Jan 17, 2016

Venue: Wineries in Dry Creek, Alexander, and Russian River Valleys

Join us for two glorious days along Wine Road - Northern Sonoma County as we celebrate the 24th Annual Winter Wineland

It's all about the WINE!

January 16 - 17, 2016
11am - 4pm each day

This is the 24th Annual Winter Wineland and a great opportunity to meet winemakers, taste limited production wines, new releases or library wines. All wineries will have something on SALE for the weekend! Some wineries will offer food pairings and others will have tours. In November download the detailed program to see exactly what each winery will offer for the weekend.....then plan your tasting adventure.

Ticket price will include wine tasting at all of the participating wineries for the weekend.

\$45 Weekend, \$35 Sunday Only, \$5 Designated Drivers Online sales Nov. 16-Jan.11. All prices increase at the door.

March 2016

Barrel Tasting along the Wine Road

Fri, Mar 4, 2016 - Sun, Mar 13, 2016

Venue: Wineries in Dry Creek, Alexander, and Russian River Valleys

Contact: Wineroad.com

39th Annual Barrel Tasting

Wine Road - Northern Sonoma County
100+ Wineries!

BARREL TASTING - TWO WEEKENDS.....
March 4-6 & March 11-13, 2016
11:00 am - 4:00 pm each day

Members of the Wine Road would like to welcome you to our wineries and lodgings for an exciting weekend of wine tasting. This is your chance to sample wines from the barrel, talk to winemakers and explore the beautiful Alexander, Dry Creek and Russian River Valleys.

Barrel Tasting is not a food pairing or themed event. It's all about the WINE...many wineries offer "futures" on their barrel samples. This is a chance to purchase wine now, often at a discount, then come back to the winery when the wine is bottled, typically 12-18 months from now. Many wines are so limited, buying futures is your only chance to purchase them.

Attendees are encouraged to pack a picnic as most wineries will not have food for this event. The ticket price includes the opportunity to sample wine from the barrel and in most cases also trying a limited number of current release wines.

Advance tickets online Jan. 22- Feb. 29, 2016 \$50 Weekend, \$35 Sunday Only, \$5 Designated Driver

At the door: \$65 Weekend, \$45 Sunday ONLY, \$10 Designated Driver (food bank donation)

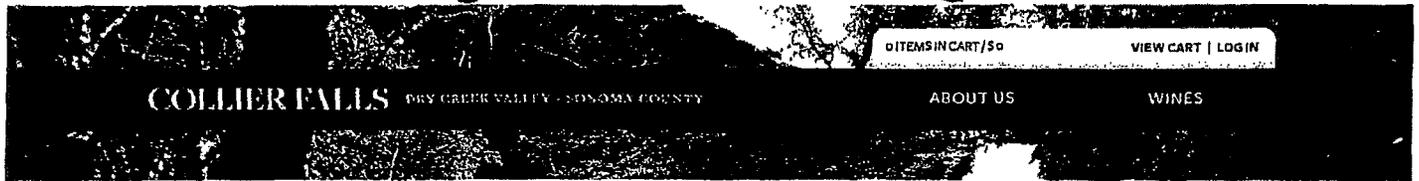
4791 Dry Creek Rd., Healdsburg CA 95448 | 707.431.7767

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A3 P.6



TASTING ROOM



Enjoy a glass of Collier Falls on your next trip to Sonoma County. We pour all six of our wines at Family Wineries Tasting Room in Dry Creek Valley. Barry Collier founded Family Wineries to bring several boutique, family-owned wineries together. It's a chance for guests to taste a broad variety of styles from six different wineries all in one room. We've been pouring Collier Falls alongside our fellow friends and vintners in Sonoma County since 2005.

Family Wineries is open 7 days a week and features charming picnic grounds and a bocce court with beautiful Wine Country views. You'll also find imported giftware from France, unique antiques, and a wide selection of gourmet grocery items like olive oils, mustards, and wine-infused chocolate sauces. Collier Falls Fan Club Members enjoy complimentary tastings for up to 3 guests and 10% off all gift and grocery items. See you soon at Family Wineries!



Family Wineries Dry Creek

(888) 433-0555 Ext. 1

4791 Dry Creek Road

Healdsburg, CA 95448

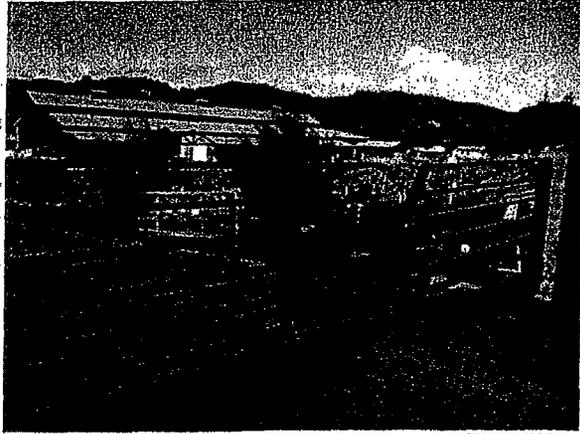
Daily: 10:30am-4:30pm

COMSTOCK wines

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Experiences

Calendar



WINERY EXPERIENCES

Daily Tasting

Join us at our expansive tasting bar and discover our wines and the unique story behind our winery. The Tasting includes a selection of our current release wines. *Available: Daily 10:30a-4:30p. \$10 per person (Complimentary with wine purchase). Advance reservations required for groups of 8 or more.*

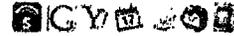
Vineyard Tour and Taste

Learn about our history, philosophy and winemaking techniques, along with our commitment to sustainable farming on a tour of our seventeen-acre estate in the bucolic Dry Creek Valley. Explore our demonstration vineyards and learn about our vineyard practices, winemaking techniques and our commitment to excellence in winemaking. *Available: By Appointment. \$25 per person / Wine Club Discount. Reservations required.*

Harvest Tour and Lunch

Embark on our signature tour, which takes you a step beyond tasting into a behind-the-scenes peak at our cellar during the height of Harvest. Explore an in-depth winery tour that follows the path of our grapes, from the vineyard to the cellar to finished wine. You will be greeted with a glass of our signature Sauvignon Blanc as you make your way from the vineyards to the crush pad, winemaking cellars and conclude with a seated family style tasting and lunch with a member of our Hospitality Team. *Saturday, September 19th. 12:00p \$45 per person / Wine Club Discount. Reservations required.*

CONNECT WITH Comstock Wines



OCT 25 9:30 AM	Yoga in the Vines 1290 Dry Creek Road Healdsburg CA	COMSTC W I T
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NOV 6 11:30 AM	Winemaker Table COMSTOCK WINES 1290 Dry Creek Road Healdsburg CA	COMSTC W I T
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NOV 6 4:00 PM	Bocce & Wine 1290 Dry Creek Road Healdsburg CA	COMSTC W I T
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NOV 7 12:00 AM	Wine & Food Affair 1290 Dry Creek Road Healdsburg CA	COMSTC W I T
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NOV 8 9:30 AM	Yoga in the Vines 1290 Dry Creek Road Healdsburg CA	COMSTC W I T
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NOV	Yoga in the Vines	
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A3 P.8

DEL CARLO WINERY

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Events

Passport to Dry Creek Valley

Saturday & Sunday, April 25 & 26, 2015

Held throughout Dry Creek Valley

This covered multi-winery event is sponsored by the Winegrowers of Dry Creek Valley. Tickets go on sale February 1, 2015. For additional information, please visit drycreekvalley.org

A3 P10



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2015 - 2016 Family Wineries Dry Creek Cooperative Tasting Room Events

24th Annual Winter Wineland, Saturday & Sunday, January 16 & 17, 2016 * 11 am - 4 pm.

This is a great opportunity to meet winemakers, taste limited production wines, new releases or library wines. Some winery participants provide food and wine pairings. Download the detailed program to see exactly what each winery will offer for the weekend...then plan your tasting adventure. Naturally we hope you will start your day with us we are now listed as individual wineries on the online system. Collier Falls, Dashe Cellars, Forth Vineyards, Lago di Merlo Vineyards, Mietz Cellars and Philip Staley Vineyards. Advance Online Ticket Prices from 2014 are \$50 Weekend, \$40 Sunday Only \$10 Designated Driver, plus tax and online sale fee. Ticket Price increases \$10 at the Door.

38th Annual Barrel Tasting, Friday, Saturday & Sunday, March 4, 5 & 6, 2016 and 11, 12 & 13, 2016 * 11am - 4 pm

We are participating in Barrel Tasting both weekends in 2016. We will be open and serving our regular wines and regular tasting fees (Complimentary for Wine Club Members). We will be pouring limited barrel samples each weekend.

27th Annual Passport to Dry Creek Valley, Saturday & Sunday, April 23 & 24, 2016 * 11 am - 4:30 pm

Passport to Dry Creek Valley is an annual event showcasing the wineries, vineyards and exceptional beauty of Dry Creek Valley. There are 60+ wineries and 150 growers in the Dry Creek Valley, producing a variety of wines to please any palate. Wineries up and down Dry Creek Valley celebrate the magic of their valley with wine, food, entertainment and the hospitality for which Dry Creek Valley is famous. Many of the wineries create a theme around which they showcase their wine. Some examples of past themes include Mardi Gras, Wizard of Oz, Summer of Love, Surf's Up, Disco, Hollywood, Western, and even the Kentucky Derby. Nearly every winery features live entertainment. From Blues to Jazz to 50's rock and roll, you are certain to be carried away by the festive atmosphere that each winery creates. Unlike other large tasting events Passport has a limited amount of participants and therefore offers a more intimate experience.

10th Annual All American Zin Day, Saturday, July 2, 2016 * 11 am - 4:pm

Wineries participating will be Kokomo, Mazzocco Sonoma, Rued, Wilson and Family Wineries Dry Creek, Join us for good food, great wines, commemorative glass all for \$40 in Advance \$50 at the Door. Designated Driver \$15

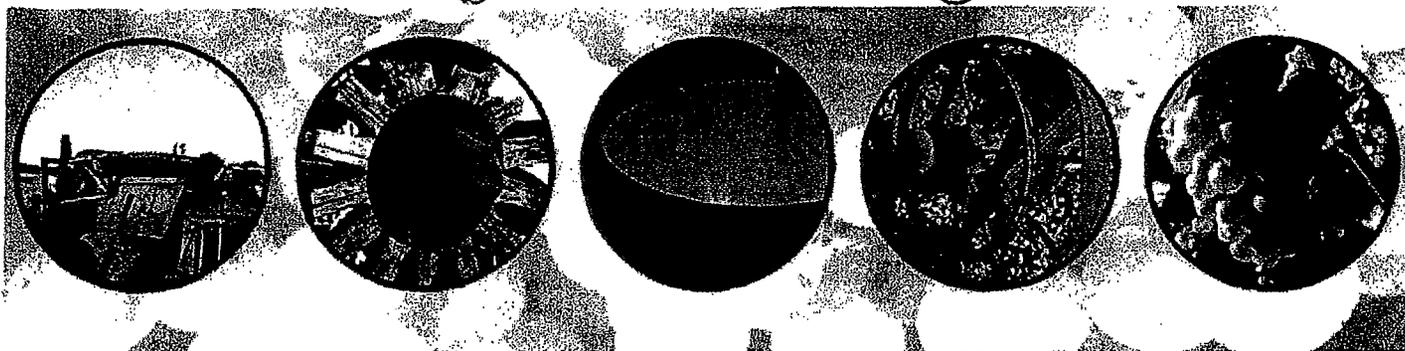
Enjoy Pulled Pork Sandwich from Kokomo, a tradition of Tri-Tip Steak slices at Family Wineries Dry Creek, Mazzocco-Sonoma, serving Skirt Steak, Rued serving barbecued chicken wings, and how could we be without, sausages served up by Wilson Winery

Our Wine Club Pickup parties for 2015 will be Saturday, May 16 and Saturday, November 14. Our Annual Wine Club Party is a BBQ Picnic - Saturday, August 29, 2015, 5pm - 7:30pm at the Picnic Grounds on our Property. \$15 for all Wine Club Members, Guests \$25 of Wine Club Members.

Wine and Food Affair November 7 & 8, 2015 * 11am - 4 pm

We are participating in Wine and Food Affair in 2015 as Dashe Cellars and Mietz Cellars. Two new recipes Roasted Chicken Penne Pasta with Gorgonzola Sauce Served with Mietz Cellars 2013 Pinot Noir and Raspberry Chocolate Brownies served with 2013 Dashe Cellars Late Harvest Dry Creek Zinfandel.

A3 P11



KOKOMO WINERY

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Events

November 2015

Mon	Tue	Wed	Thu	Fri	Sat	Sun
26	27	28	29	30	31	1
2	3	4	5	6	7	8
				Wine & Food Affair (/calendar/event/wine-food-affair) 11/07/2015 - 11:00am	Wine & Food Affair (/calendar/event/wine-food-affair-0) 11/08/2015 - 11:00am	
9	10	11	12	13	14	15

A3 P.12



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Contact Us

Lago di Merlo Vineyards & Winery
 3495 Skaggs Springs Road
 Geyserville, CA 95441
 707-473-0146 (OFFICE)
 707-473-0147 (FAX)
 Email Us

 Lago di Merlo and Ca'Bella Vineyards

Distributorship Inquires:
 707-473-0146 (OFFICE)
 Email Us

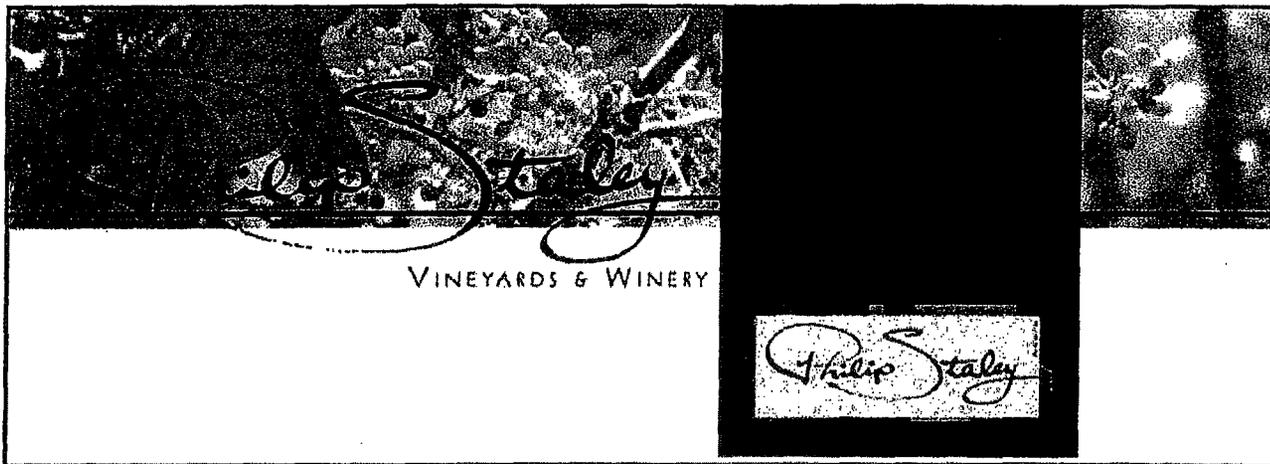
<p>Lago di Merlo Tasting Room (inside Family Wineries Dry Creek Valley) 4791 Dry Creek Road Bldg 11 Healdsburg, CA 95448 888.433.6555 (VOICE)</p> <p>Web: www.familywines.com</p>	
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Phillip Staley Vineyards & Winery—

... is a small, family-owned grower/producer of fine wines located in the Alexander Valley near Healdsburg, California, amidst some of the most beautiful country on earth. But if you are touring the wine country here, you won't know where our vineyards are (but they are located in El Dorado County, Sonoma County (Dry Creek Valley, Knights Valley, Russian River Valley, Petaluma Gap appellations) or our winery is. And that's a pity, because it is small wineries like ours that are producing some of California's finest wines. Fortunately, you now can taste our wines at Family Wineries Dry Creek. Some of the wines we are now featuring include white wines as Chardonnay, Duet a classic French White Bordeaux of Sauvignon Blanc and Semillon, Rhone specialty Viognier. Our Reds include varietals like Grenache, an Iberian Blend, Pinot Noir, Syrah and Tempranillo and a Vino Tinto Spanish Blend one of Phil's favorites. And for those of you enjoying dessert wines a Vino Doce Branco Muscat Port and Vino Doce Vermelho Syrah Port.



We use these web pages to communicate with you directly about our passion for wine, our inspirations, and our vision. Please, make yourself at home, read about our wines, Contact Us with your questions, and try some of our wines!

A3 P.14



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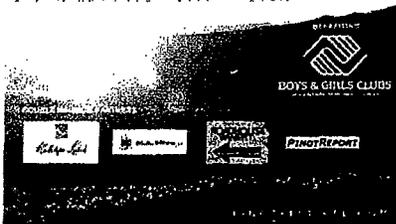
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EVENTS

11TH ANNUAL
RUSSIAN RIVER VALLEY
PINOT ON THE RIVER

AN ANNUAL WINE & FOOD FESTIVAL
AT HEALDSBURG PLAZA



Pinot on the River

Come join us at Pinot on the River.
It is always a superb collection of the
best Pinot Noirs in the area.
Healdsburg Plaza is the perfect
setting for this great annual event.

Date: Sunday, October
25, 2015

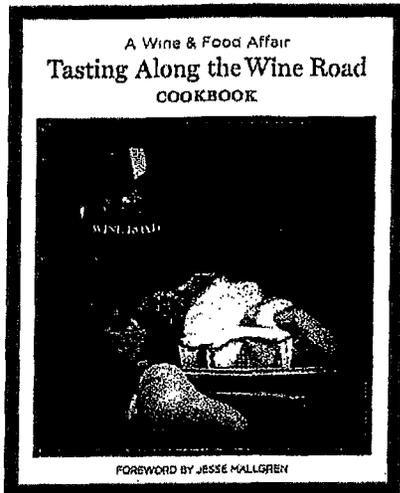
Time: 11:00 - 4:00pm

Location: Healdsburg Plaza

Check it out!

(<http://www.pinotfestival.com/>)

A3 P.15



Wine & Food Affair

Come join us for the 16th Annual Wine and Food Affair sponsored by the Wine Road of Northern Sonoma County. Every year, there is plentiful food, wine and fun! Be sure to join us Saturday or Sunday.

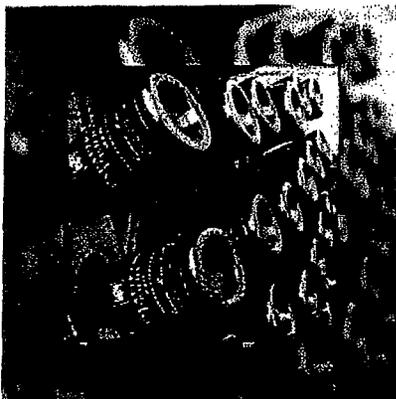
Date: November 7 & 8, 2015

Time: 11:00 - 4:00

Location: At the Winery

Check It Out!

(<http://www.wineroad.com/events/wine-food-affair/>)



Fall Wine Club Appreciation Party - Save the Date!

Come join us as we celebrate Fall and say thank you to all of our loyal Wine Club members. We gather in our cellar and drink great wine, eat wonderful food and visit with old friends while making new ones!

Date: November 14, 2015

Time: 6:00pm - 8:00pm

Location: At the Winery

Get tickets here!

(<https://www.papapietro-perry.com/xs/xs.asp?page=viewcat&cat=events>)

Savor the Date

12th Annual Classic
San Diego Bay Wine & Food Festival
November 15 - 22, 2015



San Diego Bay Wine & Food

We'll be in beautiful San Diego November 20 and 21 pouring at this week long wine and food extravaganza. The grand tasting is held right on the water and is such a beautiful place to wander and sip wine. Come join us!

Date: November 15 - 22, 2015

Location: San Diego

Check It Out!

(<http://www.sandiegowineclassic.com/>)

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Peterson Winery
 P.O. Box 1374
 4791 Dry Creek Rd. Bldg. 7 Healdsburg
 CA 95448

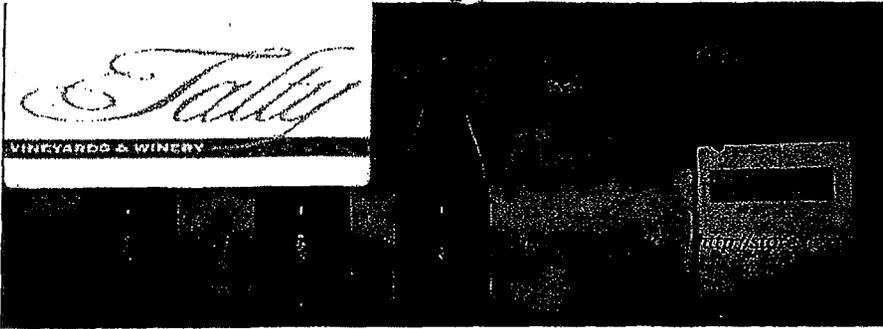


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A3 P.17



m/)

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Wine Club (http://www.taltylvineyards.com/?page_id=1398) News (http://www.taltylvineyards.com/?page_id=29)
 Welcome to Talty Wine Club Our Wines



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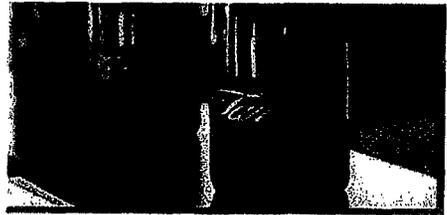
Talty Winery is a small production winery specializing in the highest quality Zinfandels in Dry Creek Valley. Talty Winery produces around 1,300 cases of handcrafted Zinfandels from some of the finest vineyards in Sonoma and Napa Counties.

[Read about us \(http://talty.wpengine.com/?page_id=13\)](http://talty.wpengine.com/?page_id=13)



We are pleased to announce the Talty Just Zin Wine Club. After years of request and pleading from our most devoted Talty Zin fans we now have the perfect wine club in place. The Talty Zin Club is very simple. It is Just Zin.

[Learn More About The Club \(http://talty.wpengine.com/?page_id=1398\)](http://talty.wpengine.com/?page_id=1398)



The Talty winemaking philosophy is simple: wine is made in the vineyard. Our single-vineyard designation and that critical balance between winemaker and vine make our Estate Zinfandel so special.

[View our wines \(http://www.taltylvineyards.com/?menu_type=wines\)](http://www.taltylvineyards.com/?menu_type=wines)

Our Hours

Monday	Appointment Only - Call
Tuesday	Appointment Only - Call
Wednesday	Appointment Only - Call
Thursday	Appointment Only - Call
Friday	12PM - 4PM
Saturday	12PM - 4PM
Sunday	12PM - 4PM

Visit us

Talty Winery
 7127 Dry Creek Rd., Healdsburg, CA 95448
 Phone: 707-433-8438
 Email: mtalty@taltylvineyards.com
 (mailto:mtalty@taltylvineyards.com)

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EVENTS

BARREL TASTING WEEKENDS.

March 7-8 and 14-15, 2015 | 11 a.m. – 4 p.m.

Timbercrest Farms

4791 Dry Creek Road, Healdsburg, CA 95448

Obtain Tickets from the Northern Sonoma Wine Road

Please RSVP to Participate (http://www.wineroad.com/events/barrel_tasting/11)

A3 P.19

Barrel tasting weekends at Trattore Farms!

Members of the Wine Road would like to welcome you to our wineries and lodgings for an exciting weekend of wine tasting. This is your chance to sample wines from the barrel, talk to winemakers and explore the beautiful Alexander, Dry Creek and Russian River Valleys.

PASSPORT TO DRY CREEK

April 25-26, 2015 |

Obtain Tickets from the Winegrowers of Dry Creek Valley website

Please RSVP to Participate (<http://www.drycreekvalley.org/events/passport-to-dry-creek-valley.php>)

For 26 years, Passport guests are welcomed into 45+ wineries throughout the valley, each offering a unique pairing of premium wine, gourmet food and entertainment.

Tickets are sold first-come-first-served starting Sunday, February 1, 2015, 10 am PST. *This is a sell out event.*

New for 2015: Prelude to Passport - Friday, April 24. Kick off the weekend with a vineyard tour, lunch or winemaker dinner. This is your opportunity to enjoy carefully selected wine and food pairings and spend time with your favorite winemaker or learn about grape growing directly from the source.

GET YOUR BOOTS DIRTY (AGAIN) TOUR

April 25, 2015 | 10:00 am

Trattore Farms

7700 Dry Creek Road, Geyserville, CA 95448

No Passport Ticket Required

Please RSVP to Participate (<mailto:info@trattorefarms.com?subject=Sign me up! Passport Vineyard Tour&body=I would like to join you for the vineyard and orchard tour on Saturday, April 25th at 10am. There will be XX guests attending.>)

Just tell us how many are coming and we'll send you a confirmation

We're doing it again! This year, it's a special invite for you to come see the progress of our winery (and yes, the winery is almost complete) with owner Tim Bucher and world famous winemaker, Kerry Damskey. You'll taste our 7850 Celebration Wine which includes a blend of varietals Tim has been working to create for over 5 years. Sip with us and take in 40 spectacular acres of hillside vineyards and olive orchards overlooking breathtaking Dry Creek Valley. The grand opening of our winery is now summer of 2015 and you will see the progress.

After the tour, join us at Timbercrest Farms for our last Passport event at this location. We have more pizza recipes to share with you. Pizzas will be drizzled with our newly released olive oils, and paired with our latest wines. You won't be disappointed, just elated!

Rooted in European tradition, Trattore translates to "tractor" in Italian and is a tribute to Tim Bucher's appreciation for the enduring craftsmanship symbolized by his collection of vintage tractors. Trattore Estate Vineyards: 7700 Dry Creek Road, Geyserville, CA 95441 come up the driveway to the top of the hill, turn left until you see the winery building where the tour will start and end.

WINE AND FOOD AFFAIR

November 7-8, 2014 | 11 AM – 4 PM

Our new tasting room at 7878 Dry Creek Road!

7878 Dry Creek Road, Geyserville, CA 95441

Obtain Tickets from the Northern Sonoma Wine Road

Please RSVP to Participate (<https://www.wineroad.com/events/wine-food-affair/>)

Join us for a weekend of wine and food. Stay tuned for details.

WINTER WINELAND

January 17-18, 2016 | 11 a.m. – 4 p.m.

Our new tasting room at 7878 Dry Creek Road!

7878 Dry Creek Road, Geyserville, CA 95441

Obtain Tickets from the Northern Sonoma Wine Road

Please RSVP to Participate (<https://www.wineroad.com/events/winter-wineland/>)

Join Trattore Farms for a mid-winter celebration!

Tickets go on Sale November 10, 2016

This is the 24th Annual Winter WINEland and a great opportunity to meet winemakers, taste limited production wines, new releases or library wines. **All wineries will have something on SALE for the weekend!** Some wineries will offer food pairings and others will have tours. In Mid-December download the detailed program to see exactly what each winery will offer for the weekend....then plan your tasting adventure.

Ticket price will include wine tasting at all of the participating wineries for the weekend.

\$45 Weekend, \$35 Sunday Only, \$5 Designated Drivers Online sales Nov. 10-Jan.11 *All prices increase at the door.*

NEW this year – we will also be hosting a **Breakfast with the Winemaker** on Saturday Jan. 16 from 9:00-10:30. Details to follow...

Winter WINEland does not take place at one location, you travel from winery to winery, visiting the ones you are interested in exploring.

A Sense of Place in Dry Creek Valley

Customer Service

Contact Us ([/contact-us/](#))
(707) 431-7200 (tel:+17074317200)

Our Address

4791 Dry Creek Road ([/visit-us/directions/](#))
Healdsburg, CA 95448 ([/visit-us/directions/](#))

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Andrew L. Dieden, Esq.
Andrew L. Dieden Law Office
840 Spring Drive
Mill Valley, CA 94941
(415) 302-2694
adieden@yahoo.com

James Gore, Sonoma County Board of Supervisors, District Four
Sonoma County Administration Building, Room 102-A
575 Administration Drive
Santa Rosa, CA 95403
James.Gore@sonoma-county.org

Via email and hand delivery

September 15, 2016

Re: Appeal of Approved Mitigated Negative Declaration
File No. PLP05-0062,
4304 Dry Creek Road
APN 090-200-008

Dear Supervisor Gore:

Listed below are the primary reasons the 4304 Dry Creek project requires an EIR and/or a new application:

1. The original application was submitted in June 2005, more than 11 years ago. After a one-year extension, Wilson allowed the approved permit to lapse in 2010.
2. Now, there have been at least six piecemeal versions of the Negative Declaration, each with deficient, sometimes contradictory mitigation statements and expert reports.
3. Preservation of the Dry Creek Valley requires adjustment of *all* new and pending projects to the current condition of local concentration.
4. There are now 16 wineries within one mile of the proposed project, one within 250 feet.
5. There are three residences located less than 400 feet from the proposed project.
6. Wilson's chance of success in Superior Court is far lower than the Appellants' chance of success.
7. Wilson cannot win a discrimination case because he cannot prove that the County's request for a full EIR or reapplication was motivated by Wilson's membership in a legally protected class.
8. Based on peer reviews by Vibro-Acoustic Consultants and Transpedia Consulting Engineers, Appellants can easily prove the project *may have* (the legal standard of review) a significant adverse impact on the environment.
9. Wilson's noise report is not based on "any hour" as required by the Noise Element.

10. Wilson's noise report does not consider cumulative noise sources as required by the Noise Element.
11. Wilson's noise distance measurements are incorrect.
12. Wilson failed to consider noise levels at the property lines.
13. Wilson did not address noise from driveway, mechanical/refrigeration equipment, or maintenance/forklift activities.
14. Wilson's traffic collision rate analysis is incorrect.
15. Wilson's traffic study underestimates winery trip generation.
16. County Guidelines require a full traffic study, not Wilson's "focused traffic study".
17. Wilson's Level of Service analysis contains improper sight-line analysis, improper left-turn analysis, incorrect parking demand, and no intersection level of service analysis.
18. The distance from the proposed barrel storage facility to the production facility is too remote.
19. Wilson's water analysis is not empirically-based and fails to account for the water to be used for barrel and facility cleaning.

If you need supporting documentation or additional reasons, please don't hesitate to ask. We sincerely appreciate your time and attention.

Respectfully submitted,

//s//

Andrew L. Dieden, Esq.
Andrew L. Dieden Law Office

cc: Jennifer Mendoza; clients; file.

County of Sonoma
Santa Rosa, California

April 16, 2015
PLP05-0062 Traci Tesconi

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
REVISED MITIGATED NEGATIVE DECLARATION AND
GRANTING A USE PERMIT AND DESIGN REVIEW TO
KENNETH AND DIANE WILSON, FOR PROPERTY LOCATED
AT 4304 DRY CREEK ROAD, HEALDSBURG; APN 090-200-008.

WHEREAS, the applicant, Kenneth and Diane Wilson, filed an application with the Sonoma County Permit and Resource Management Department to reactivate a previously approved Use Permit and Design Review under the Economic Stimulus Ordinance (Ordinance No. 5929) for an approximate 17,000 square foot winery and public tasting room building and conversion of an existing 3,200 square foot barn to barrel storage with a 25,000 case maximum annual production capacity to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two charitable benefit dinners with 100 guests, and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. The project site is under a Prime Land Conservation Contract (Williamson Act Contract), and located at 4304 Dry Creek Road, Healdsburg; APN 090-200-008; Address 4304 Dry Creek Road, Healdsburg; Zoned LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, a Revised Mitigated Negative Declaration was prepared for the Project and noticed for 30 days and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA") and the State and County CEQA Guidelines; and

WHEREAS, on February 19, 2015, the Board of Zoning Adjustments held a public hearing, took public testimony, and with a 5-0 vote, continued the hearing to April 16, 2015 directing the applicant to increase the number of on-site parking spaces on the project site and return with a revised Site Plan depicting the additional parking spaces and a noise assessment prepared by the noise consultant evaluating the anticipated noise levels from the new parking areas and determining consistency with the noise level standards in the General Plan 2020.

WHEREAS, in accordance with applicable provisions of law, the Board of Zoning Adjustments held a public hearing on April 16, 2015, at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Revised Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Revised Mitigated Negative Declaration and the Project; and

WHEREAS, on April 16, 2015, the Board of Zoning Adjustments approved the project with modifications, which included an approximate 17,000 square foot winery and public tasting room building and conversion of an existing 3,200 square foot barn to barrel storage with a 25,000 case maximum annual production capacity to include public tasting, retail sales, 12 agricultural promotional events per year (10 with a maximum of 80 guests and two with a maximum of 100 guests), and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. The Board of Zoning Adjustments prohibited two weddings, any use of outdoor amplified sound or music, and a commercial kitchen with a stove, a range, and exhaust hood, and allowing only a caterers' kitchen in the tasting room which can include counter space, a double sink, microwave oven(s),

and refrigeration. The Board of Zoning Adjustments required as a condition the restoration of the existing on-site seasonal stream, including bank stabilization.

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan objectives to facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories (Objective AR 5.1). Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a Use Permit in the LIA zoning district. The project is consistent with General Plan Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. Tasting rooms, agricultural promotional events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with Policies AR-6d, AR -1a, AR-4a, and AR-6a.
2. The primary potential land use conflicts associated with the proposed use for agricultural promotional events are exterior lighting, traffic, and noise. Conditions of approval have been incorporated into the project to reduce potential impacts to a less than significant level. Similar to findings made on recently approved projects, adding one more winery and tasting room along Dry Creek Road does not result in an overconcentration because the project generated traffic will not result in road access conflicts and would not exceed the level of service for Dry Creek Road. And, unlike other rural roads in agriculturally-zoned areas, Dry Creek Road is a wide, well-maintained County roadway. In addition, the project site is located in a Zone 1 water area and the building design is in character with the rural area. The project is being considered under the Economic Stimulus Ordinance No. 5929 because the project was previously approved in 2007, with a one-year final extension of time approval in 2009. The Zoning Ordinance does not limit the number of agricultural promotional events allowed on agricultural zoned parcels. The average number of approved events at wineries in Sonoma County is 20. The total number of agricultural events approved at this winery site is a total of 12 agricultural promotional events and a total of eight industry wide event days, which is below the County-wide average and below that of a recently approved winery (UPE11-0088 – Rued) in the immediate area also located on Dry Creek Road.
3. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows the following under Section 26-040-020 (i) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries, which are a marketing tool that promotes wines produced at the winery. Project conditions of approval prohibit the winery facility from being rented out to any third-party contracts.
4. The project is consistent with the Williamson Act because: 1) the project will be supportive of agricultural use on site and in the local area due to the processing facility's

enhanced capabilities which would process more grapes than is currently possible; 2) the project would not affect the agricultural use on adjacent properties; 3) the property will continue to be devoted to agricultural use because well over fifty percent of the property is planted in vines; 4) all other uses, including the winery, barrel storage, tasting room, associated parking, landscaping and outdoor activity area, are compatible with the agricultural use of the property and are consistent with the Williamson Act's principles of compatibility and the County's Uniform Rules for Agricultural Preserves, and will collectively occupy no more than 5 acres to ensure that they remain incidental to the primary use of the land for agriculture; 5) displacement of vines will be limited to 1.5 acres, and 0.64 acres of vines will be replanted on site, resulting in less than one acre of vines removed, ensuring a less than significant net loss of usable agricultural area ; 6) operation of a tasting room and other agricultural promotional events is consistent with the Williamson Act because they are marketing tools to help sell wine produced on-site and ensure the long term viability of the vineyard and winery; 7) no permanent structures solely devoted to agricultural promotional event activities will be constructed on the site, no special event will last more than two consecutive days, and overnight accommodations will not be provided in conjunction with any special event; and 8) the twelve agricultural promotional events and eight industry-wide event days are annually limited in number, duration, and scope to ensure that any increase in the temporary human population drawn to the site will not hinder or impair agricultural operations.

5. Based upon the whole record (including the Initial Study and all comments received) there is no substantial evidence that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
 - a. The establishment, maintenance or operation of the use for which 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 neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: exterior lighting must be low mounted, downward casting and fully shielded to prevent glare, lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated, Dry Creek Road is adequate to support the use; the project will not compromise agricultural capability because the proposed use is related to agriculture, mitigations have been incorporated into the project to ensure that noise from construction, winery, and event activities meet the Daytime Noise limit standards established in the General Plan, with limited hours of event activities, and the conditions placed on the project to control noise. The use of outdoor amplified music or sound or loud acoustical musical instruments outdoors are not permitted. Other project related circumstances include that the project will not create a detrimental concentration of visitor-serving and recreational uses because project generated traffic will not result in road access conflicts and would not exceed the level of service, the project site is in an Area 1 water area, the use will be minimal and not detrimental, and the project meets the Scenic Landscape designation criteria, the winery building is located outside the 200-foot Scenic Corridor setback, and the building design will not be detrimental to the rural character of the area. It is required that the condition of the seasonal stream located on

the project site be improved and stabilized to restore its riparian function.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Revised Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the Revised Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County Guidelines, and finds that the Revised Mitigated Negative Declaration reflects the independent judgment of the Board.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner Lamberson, who moved its adoption, seconded by Commissioner Shahhosseini, and adopted on roll call by the following vote:

Commissioner Carr	No
Commissioner Shahhosseini	Aye
Commissioner Lamberson	Aye
Commissioner Lynch	Absent
Commissioner Montoya	Aye

Ayes: 3 Noes: 1 Absent: 1 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

MEMO

Date: April 16, 2015

To: Board of Zoning Adjustments

From: Traci Tesconi, Project Planner III

Subject: PLP05-0062; 4304 Dry Creek Road, Healdsburg
Hale Winery and Tasting Room
Continued public hearing

On February 19, 2015, a public hearing was held for the above referenced project before the Board of Zoning Adjustments. At the public hearing, public testimony was taken and the public hearing was closed. After discussion amongst the Planning Commissioners, it was decided that the applicant needed to provide additional on-site parking spaces to adequately accommodate guest vehicle parking during the agricultural promotional and industry-wide events. The item was continued to April 16th at 1:05 p.m. to evaluate the new parking plan and related noise information, as discussed below. It is recommended that the Board of Zoning Adjustments open the public hearing on the new information and after considering the testimony received take a final vote on the proposed project.

In this packet, please find the modified draft Conditions of Approval in both legislative format to easily identify the changes from the last hearing, as well as, a clean version to proceed with an action. Also, attached is the revised draft Resolution.

Issue # 1: Additional On-Site Parking Spaces

At the February 19, 2015 public hearing, the BZA directed the applicant to provide at least 40 parking spaces on the project site to accommodate the parking needs for agricultural promotional events and industry-wide events.

A revised Site Plan has been provided by the applicants' engineer, Atterbury & Associates, depicting 17 standard parking spaces and one handicap accessible parking spaces near the entrance of the tasting room, and 48 standard parking spaces in the front portion of the project site (Exhibit E). On-site parking provides a total of 65 standard parking spaces and one handicap accessible parking space. The four designated parking areas at the entrance of the tasting room will be improved with asphalt concrete with the remaining parking areas improved with decomposed granite.

W-Trans provided a letter, dated March 31, 2015, which states that they reviewed the new parking plan and concluded that adequate on-site parking can be provided to accommodate guest and employee parking requirements for even the largest events with 100 guests on the site at a given time (Exhibit J).

Staff recommends that the parking on site be limited to a total of 46 standard parking spaces and one-handicap parking space for several reasons. First, providing on-site parking to accommodate at least 40 guest vehicles and 6 employee vehicles is consistent with the Board of Zoning Adjustments' direction to the applicant at the previous hearing held on February 19th. Secondly, the removal of vines should be kept at a minimum in agricultural zones and land under a Land Conservation Contract, and parking areas within a scenic corridor should be limited in size.

Issue # 2: Additional Noise Assessment

Illingworth and Rodkin reviewed the new parking plan for the proposed winery project. The expanded parking areas are located as close as 50 feet from the residential property line to the south and 95 feet from the residential property line to the north. Based on the noise data collected at the site, ambient daytime noise levels are 60 dBA L08 at the nearest receptor to the north (Residence 1) and 66 dBA L08 at the nearest receptor to the south (Residence 2). No new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval would be required. Illingworth and Rodkin explains that the noise sources such as engine starts and door slams would generate noise levels that would range from about 50 to 60 dBA at a distance of 50 feet. The predicted noise levels from these same sources would range from 44 to 54 dBA at a distance of 95 feet. Parking lot noise levels would be less than the adjusted daytime NE-2 noise level limit for sounds occurring between 5 minutes and 15 minutes in any one-hour period (L08 noise limit).

In addition, Illingworth and Rodkin addressed the slight changes to the Sonoma County General Plan Table NE-2 noise limits since 2006 and to address any new or substantially different noise impacts resulting from the noise assessment study prepared for the proposed winery project. The base noise limits for L50, L25, L08, and L02 have remained unchanged since 2006. The primary difference between the current noise limits as compared to the limits used in the 2006 noise analysis is due to the adjustment process. In 2006, the applicable standards in Table NE-2 were reduced by 5 dBA if the standards exceeded the ambient noise level by 10 or more decibels. The current protocol is to reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels. This results in a very subtle difference between the current assessment's methodology versus the 2006 assessment's methodology. Illingworth and Rodkin concludes that the changes made to the noise thresholds do not result in new or substantially different noise impacts at nearby receptors.

Issue # 3: Elimination of the second vehicle-crossing of the seasonal stream

At the February 19, 2015 public hearing, the BZA discussed whether the second seasonal stream vehicle-crossing was necessary for on-site circulation purposes

since there will be a driveway providing vehicle access to the winery and tasting room entrance. The applicants' engineer re-evaluated the on-site vehicle circulation. It was determined that the second vehicle stream crossing could be eliminated from the project site without impairing on site vehicle circulation (refer to Revised Site Plan – Exhibit B).

Issue # 4: Modifications to the Draft Conditions of Approval

At the February 19, 2015 public hearing, the BZA discussed the following project components and due to their concerns recommended changes to the draft conditions of approval, as discussed below:

Seasonal stream: The seasonal stream that bisects the front portion of the project site is in poor condition and restoration of its banks is needed. At the public hearing staff discussed that for the proposed vehicle stream crossing, permits are required from PRMD, as well as, the North Coast Regional Water Quality Control Board and California State Fish and Wildlife Department (refer to Condition No. 80). The applicants' engineer has met with the Regional Board staff and part of the Permit requirement is improving and restoring the stream bank. However, to ensure the necessary improvements to the stream banks are completed, the Draft Conditions of Approval have been modified to add the following Condition:

Condition No. 90: *Prior to final or temporary occupancy of the winery and tasting room building, the applicant shall restore and improve the banks of the seasonal stream located in the front portion of the project site, subject to review and approval of all necessary permits by the State Department of Fish and Wildlife and North Coast Regional Water Quality Control Board.*

Weddings: The BZA also discussed that the proposed weddings were not considered agricultural promotional and recommended the two weddings be eliminated from the project. The Draft Conditions of Approval have been modified to eliminate the listing and discussion of weddings for the project site.

Outdoor amplified music: The BZA discussed that allowing outdoor amplified music at the project site would be a nuisance to nearby neighbors, even with the use of a sound-limiter on the winery's amplification system to maintain noise levels within the daytime noise level limits specified in the General Plan. The Draft Conditions of Approval have been modified to prohibit the use of outdoor amplified music or sound at the winery.

Industry-wide events: The BZA discussed that the eight industry-wide events being proposed for the winery is too many. There are existing wineries near the project vicinity that are also participating in industry-wide events. The BZA recommended that the number of industry wide events be reduced from eight to four total days.

Agricultural Promotional events: The BZA discussed that the charitable benefit dinners are allowed, but shall be included in the total number of agricultural promotional events. The BZA recommended that the total number of agricultural promotional event days be limited to 12 per year (ten events with 80 guests

maximum and two events with 100 guests maximum). The revised draft Ordinance and Conditions of Approval allow for a total of 16 event days per year at the winery, consisting of 12 agricultural promotion and four industry-wide events.

To provide the BZA further information related to increases in traffic in Dry Creek Valley during industry-wide event days, staff researched a recent Focused Traffic Impact Study prepared by TJKM, dated October 13, 2014, on behalf of the Dry Creek Valley Association for the Bella Winery hearing held in 2014 (UPE99-0088). The TJKM analysis indicates that traffic counts they took along a section on West Dry Creek Road, north of Yoakim Bridge Road, during an industry-wide event day (i.e. *Barrel Tasting*), which indicates an increase in traffic counts from 986 ADT (Average Daily Traffic) taken on a Saturday in October 2010 compared to traffic counts of 1,528 ADT taken on a Saturday in March 2011, an increase of 64% of the average daily traffic.

Commercial kitchen: A question was raised about whether a full commercial kitchen was needed to provide meals during agricultural promotional events. It is recommended that the kitchen within the tasting room be limited to a caterer kitchen and prohibit a stove, range, and exhaust hood. The Draft Conditions of Approval have been modified to eliminate the stove, range, and exhaust hood in Condition No. 103. The caterer's kitchen would include a sink, counter space, refrigeration, and warming ovens.

On March 10th and March 13th, PRMD staff received two letters from the applicants' attorney, John Mackie of Carle, Mackie, Powers, Ross LLP (refer to Exhibit I). In his letters, Mr. Mackie requests that the BZA reconsider their recommendation and allow eight industry wide event days proposed by his client since these events are an important part of the winery's wine marketing plan and the request for eight industry wide events is consistent with recent approvals for other wineries also located on Dry Creek Road and in a neighboring valley.

Staff recommendation:

Staff recommends the Board of Zoning Adjustments adopt the Revised Mitigated Negative Declaration and approve the project subject to the modified Conditions of Approval attached as herein as Exhibit B.

LIST OF ATTACHMENTS:

- Exhibit A: Draft Resolution
- Exhibit B: Draft Conditions of Approval
- Exhibit C: Draft Conditions of Approval (Legislative style)
- Exhibit D: Overall Revised Site Plan, prepared by Atterbury & Associates, dated 3-13-2015
- Exhibit E: Detailed Revised Site Plan, prepared by Atterbury & Associates, dated 3-13-2015
- Exhibit F: Detailed Revised Floor Plan and Landscape Plan, prepared by Atterbury & Associates, dated 3-13-2015
- Exhibit G: Elevation Plans, prepared by Atterbury & Associates, dated 2-5-2015
- Exhibit H: Noise Addendum Letter, prepared by Illingworth & Rodin, dated 3-13-2015

- Exhibit I: Letters from John G. Mackie, of Carle, Mackie, Powers, Ross LLP, dated
3-10-2015 and 3-12-2015
- Exhibit J: Letter from W-Trans, dated 3-31-2015

c: Kenneth and Diane Wilson, applicants
Atterbury & Associates, Project Engineer
Jeff Morse, Project Architect
Rob Izzo, Project Manager
File PLP05-0062



Sonoma County Board of Zoning Adjustments

MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: April 16, 2015
Meeting No.: 15-07

ROLL CALL

Greg Carr
Komron Shahhosseini
Willie Lamberson
Tom Lynch, Absent
Shawn Montoya, Chair

STAFF MEMBERS

Jennifer Barrett
Traci Tesconi
McCall Miller, Secretary
Jeff Brax, Chief Deputy County Counsel

1:00 p.m. Call to order and Pledge of Allegiance.

BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

Item No.: 1
Time: 1:05 p.m.
File: PLP05-0062
Applicant: Kenneth and Diane Wilson
Owner: Same
Cont. from: February 19, 2015
Staff: Traci Tesconi
Env. Doc: Mitigated Negative Declaration
Proposal: Request to reactivate a previously approved Use Permit and Administrative Design Review under the Economic Stimulus Ordinance (Ord No. 5929) for a winery and public tasting room (single building approx. 17,000 square feet) and conversion of the existing barn (approx. 3,200 square feet) to barrel storage with a 25,000 case maximum annual production capacity, to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two charitable benefit dinners with 100 guests, and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. The project site is under a Prime Land Conservation Contract (Williamson Act Contract).
Location: 4304 Dry Creek Road, Healdsburg
APN: 090-200-008
District: 4
Zoning: LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat), SR (Scenic Resource)

Staff presentation.

Commissioner questions.

Commissioner Carr: How far does the applicant need to get on the restoration of the riparian section for final occupancy? How will that time be determined? In Mr. Corson's e-mail, he pointed out that he believed the Board of Zoning Adjustments had agreed that the agricultural promotional events would be one per month. I don't recall that. What did we actually do there and is it part of what you are recommending here?

Staff Tesconi: That will be dictated by permits needed from the North Bay Water Quality Board. Once they have those permits in conjunction with the planting required by our office, then they can be granted final occupancy. We want them to get all that construction done before beginning the restoration of the stream bank. I reviewed my notes from the last hearing and did not find that stipulation to require one event per month as a condition.

Commissioner Montoya: Who will do final design review of the parking lot?

Staff Tesconi: The Conditions of Approval require that the parking lot design go to the Design Review Committee for final design review approval. Based on the plans, they are compliant with Design Review in that for every eight parking spaces, they are planting one tree. They are proposing olive trees.

Applicant Rob Izzo: We have revised our plan following the request of the Board of Zoning Adjustments Commissioners to include the addition of parking spaces in two separate locations on the project plan. The revised parking area meets the guidelines recommended by the PRMD staff to accommodate 100 guests plus winery and tasting room employees. It minimizes the amount of vineyard removed for parking and what can be seen from the scenic corridor, consistent with PRMD goals. It considers setbacks for blue line streams in all areas. We worked with consultants to address noise, traffic, and design concerns. We eliminated the second vehicle stream crossing as recommended. The project plan revisions were considered in context to the Sonoma County General Plan for Land Use.

Applicant Ken Wilson: I have read through the Conditions of Approval. We will prepare a water conservation plan. We have changed the lawn area to an area of decomposed granite. We will have no amplified music outdoors. We changed the two vehicle stream crossings to one as recommended. I do request that the eight industry-wide events be allowed, which is in line with similar projects that were permitted recently. On industry-wide event days, the traffic is there already. Those events are not hosted by us specifically. We are not adding to the traffic along Dry Creek Road on those days. By restricting our participation in those events, it gives an unfair advantage to the neighboring wineries who are allowed to have them.

Public Hearing opened at 1:22 p.m.

Chris Wolcott (4455 Dry Creek Road): I would like to ask the Board of Zoning Adjustments a question about future enforcement. With all the conditions you have, on the noise one in particular, is it up to the neighbors to monitor the goings-on here or is there something the County will do to monitor? If it is up to the neighbors, who do we call on a Sunday to make a complaint?

Warren Watkins (Healdsburg Citizens for Sustainable Solutions): I have a few general comments on the cumulative effect of all of this. We have over 400 supporters and concerned citizens. Where is the County on drafting definitions and guidelines for winery events? We know that work is in process. There seems to be an influx of wineries requesting events.

Public Hearing closed at 1:28 p.m.

Commissioner Carr: Condition 69 states that "events shall not occur on two consecutive days." Is that sufficient to allow the industry events? This condition would allow them to go only two of those days?

Staff Tesconi: There are three-day industry-wide events. I believe the barrel tasting events are two three-day weekends. This restriction comes from the Williamson Act requirements. Due to those requirements the applicant is only allowed two consecutive day events.

Commissioner Montoya: Between the two sets of drawings we received, there are some differences in square footage of the fermentation room and lab area. If we move forward I want to make sure the Conditions of Approval is what is correct.

Staff Tesconi: The fermentation room and lab total area is 5,284 square feet. The previous drawings may not have included the lab.

Commissioner Lamberson: What is the County's policy on code enforcement?

Deputy Director Barrett: The County's policy is to enforce by complaint. There is no one to answer the phone on the weekends. You can file a complaint after the fact. If you look at Condition 45, the mitigation monitoring is described. That condition states that if we receive valid complaints, we can require the applicant to hire a qualified acoustical consultant to install a noise monitoring device to monitor ongoing activities and modify those activities if they exceed the noise standards. They would have to prepare a noise report and any additional mitigation would have to be implemented if it did not meet our standard. Any of these conditions are enforced by complaint. When we receive complaints, we investigate them to determine if they are violations. Many times the applicants come into compliance before it becomes a violation. As we get started with the Winery Working Group, code enforcement has been brought up as an issue, particularly in regard to events. We do have a one-year or two-year review built into all of our permits issued in the last four years. We review the applicant's compliance and if there are any complaints during the review period, we bring the applicant back to this Commission to adjust their permit with regards to events. In the Winery Working Group, we might look at a more robust monitoring program. We are just starting the work effort to establish winery event guidelines. We have invited a number of representatives from both the wine industry and neighborhood groups. We do expect to have two work products out of that effort: 1. New regulations for wineries on what promotional activities are allowed and 2. New guidelines for areas where there is overconcentration. After the working group is done drafting the guidelines, we will have public workshops where everyone can participate. Then we will bring it to public hearing with the Planning Commission and the Board of Supervisors.

Commissioner Montoya: The goal is to get as many interested parties together to discuss this. We know it is an issue. Projects will continue to be heard during this process. There will not be a moratorium on winery event use permits. We are going to have to continue to work through this.

Commissioner Discussion:

Commissioner Lamberson: I would like to concentrate on the industry-wide events. I am comfortable with the conditions for noise, traffic, and parking. Mr. Wilson has requested two more events or four more days, bringing him up to 20 days, which is approximately the average for the industry. I support the request. On the first Saturday of barrel tasting I sat at the site and observed. It didn't seem like it would be a huge negative to grant four extra days. I feel like it is impossible to control behavior by limiting events. It is not our job to control behavior; it is our job to control impacts. It is the industry's job to control behavior during events. There is a video online showing the proper etiquette during barrel tasting. There is a problem with limousine parking. Participating wineries can limit the groups to eight. I observed 20 passenger busses parking with bumpers two feet into the road. Some work needs to be done with the tour companies to educate them. If you do have concerns, call Code Enforcement. Our job is to limit events if they have a negative impact on neighborhoods or public safety. We have to remember agriculture is the backbone of the County's economy. Dry Creek Valley residents need to remember they impact the roads and neighborhood too. We are all a part of the impact.

Commissioner Montoya: Commissioner, please clarify your position on the parking condition of 46 spaces.

Commissioner Lamberson: Are there conditions prohibiting parking on Dry Creek Road and for requiring parking attendants at all events?

Staff Tesconi: Yes there are. We also added that they cannot park on the shared vineyard road.

Commissioner Carr: The change is to increase the industry events from four to eight days and would retain the 12 private events. I don't support that. I don't have any problem with increasing the number of industry events, but we should keep the total number of days at 16 or less. It seems to me that the Wilsons have a number of wineries in the area and have had the opportunity to brand themselves. The need to maintain their brand is not a necessity as with some small wineries. I have concerns about previous use permit violations with this applicant. I am glad to hear he has no current violations. I am not absolutely persuaded this area is over-concentrated. I believe we should exercise caution with number of events allowed until the winery event guidelines are developed. I really appreciate the change in the site plan with the improvements to the seasonal creek. I am a no on this unless we can lower the number of event days but support the increase in the number of industry-wide events.

Commissioner Shahhosseini: The idea that someone would participate in an industry-wide event and turn into this driveway versus that driveway, makes me struggle with how would it have a cumulative effect? If people are in the area already for the industry-wide event, how is this winery increasing the cumulative effect more than this winery? Why take away something that has its own impact? I would support an increase in the number of industry-wide events. I agree with Commissioner Lamberson in keeping the number of events where he suggested. I am fine with everything else.

Commissioner Montoya: I also agree that industry-wide events are not the concern. The road is already impacted during those event days. Adding a driveway is not going to make more of an impact. The question is whether we trade the industry-wide events off for the other events. The other events can be impactful too depending on time of year and season. But, a timeline will be very cumbersome to do. How do we get in agreement from here? Commissioner Carr is fine with industry wide-events but the keep the total at 16 days.

Commissioner Carr: Because industry event participants are from outside the area and stay in the area, it is not a significant impact on the traffic and the road. Although the number of vehicles does not increase during an industry event day, there are still cars entering and exiting driveways. That is where the rural character and the safety of the road are impacted. The quality of the road makes a big difference. Dry Creek Road is a good road.

Commissioner Montoya: Safety is an issue. Residents will know the events are happening and if they want to avoid the event days, they can leave the area.

Commissioner Lamberson: I am still comfortable with the 20 events. I don't see how the ten events with 80 people and two events with 100 people will be that impactful. I really recommend we go with the 20 events and acknowledge that it is on the low side of the industry average.

Commissioner Shahhosseini: I understand what Commissioner Carr is saying. Until we have universal guidelines, we must judge each winery on its own merits. I think at this point I support Commissioner Lamberson's suggestion given the road and this winery's location on the road.

Commissioner Montoya: I am going to defer to Commissioner Lamberson due to his knowledge of the area. We are looking at 20 event days which includes eight industry-wide days, two scholarship dinners and ten other events days.

Action: **Commissioner Lamberson** motioned to approve the Use Permit with modified Conditions of Approval. Seconded by **Commissioner Shahhosseini** and passed with a 3-1-1 vote.

Appeal Deadline: 10 calendar days

Resolution No.: 15-009

Sonoma County Board of Zoning Adjustments Minutes

Date: April 16, 2015

Page 5

Vote:

Commissioner Carr	No
Commissioner Shahhosseini	Aye
Commissioner Lamberson	Aye
Commissioner Lynch	Absent
Commissioner Montoya	Aye

Ayes	3
Noes	1
Absent	1
Abstain	0

Minutes adopted on July 30, 2015



Sonoma County Board of Zoning Adjustments

ACTIONS

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: April 16, 2015
Meeting No.: 15-07

ROLL CALL

Greg Carr
Komron Shahhosseini
Willie Lamberson
Tom Lynch, Absent
Shawn Montoya, Chair

STAFF MEMBERS

Jennifer Barrett
Traci Tesconi
McCall Miller, Secretary
Jeff Brax, Chief Deputy County Counsel

BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

Item No.: 1
Time: 1:05 p.m.
File: PLP05-0062
Applicant: Kenneth and Diane Wilson
Owner: Same
Cont. from: February 19, 2015
Staff: Traci Tesconi
Env. Doc: Mitigated Negative Declaration
Proposal: Request to reactivate a previously approved Use Permit and Administrative Design Review under the Economic Stimulus Ordinance (Ord No. 5929) for a winery and public tasting room (single building approx. 17,000 square feet) and conversion of the existing barn (approx. 3,200 square feet) to barrel storage with a 25,000 case maximum annual production capacity, to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two charitable benefit dinners with 100 guests, and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. The project site is under a Prime Land Conservation Contract (Williamson Act Contract).

Location: 4304 Dry Creek Road, Healdsburg
APN: 090-200-008
District: 4
Zoning: LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat), SR (Scenic Resource)

Action: **Commissioner Lamberson** motioned to approve the Use Permit with modified Conditions of Approval. Seconded by **Commissioner Shahhosseini** and passed with a 3-1-1 vote.

Appeal Deadline: 10 calendar days
Resolution No.: 15-009

Sonoma County Board of Zoning Adjustments Actions

Date: April 16, 2015

Page 2

Vote:

Commissioner Carr	No
Commissioner Shahhosseini	Aye
Commissioner Lamberson	Aye
Commissioner Lynch	Absent
Commissioner Montoya	Aye

Ayes: 3

Noes: 1

Absent: 1

Abstain: 0



Sonoma County Board of Zoning Adjustments **STAFF REPORT**

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

FILE: PLP05-0062
DATE: February 19, 2015
TIME: 2:00 p.m.
STAFF: Traci Tesconi, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Kenneth and Diane Wilson

Owner: Kenneth and Diane Wilson

Project Engineer: Atterbury & Associates

Project Architect: Morse & Cleaver Architects

Location: 4304 Dry Creek Road, Healdsburg
APNs: 090-200-008 Supervisorial District No.: 4

Subject: Use Permit and Design Review

PROPOSAL: Request to reactivate a previously approved Use Permit and Design Review under the Economic Stimulus Ordinance (Ordinance No. 5929) for an approximate 17,000 square foot winery and public tasting room building and conversion of an existing 3,200 square foot barn to barrel storage with a 25,000 case maximum annual production capacity to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two charitable benefit dinners with 100 guests, and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. The project site is under a Prime Land Conservation Contract (Williamson Act Contract).

Environmental Determination: Mitigated Negative Declaration

General Plan: Land Intensive Agriculture, 20 acres per dwelling unit

Specific/Area Plan: None

Land Use:

Ord. Reference: Section 26-04-020 (f) and (i)

Zoning: LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat)

Land Conservation

Contract: Prime contract (1-291-72; 2605-739)

Application Complete for Processing:

October 9, 2014

RECOMMENDATION:

Recommend that the Board of Zoning Adjustments approve the request

ANALYSIS

Background:

On June 29, 2005, the original Use Permit and Design Review application (PLP05-0062) was submitted. On December 5, 2006 the applicant revised the project changing the number of agricultural promotional events from 24 to 20 per year and the number of guests from 100 to 150 guests per event. On February 9, 2007 the project was revised once again, changing to 24 special events with 100 guests per event, along with a revised site plan and proposal statement. Referrals were sent out again to other agencies.

On May 16, 2007, preliminary design review was approved by the Design Review Committee with recommendations for revisions to the project design and landscaping. The DRC approved the height of winery building ranging from 35 feet to 44 feet for the roof-pitches. The DRC had several recommendations to revise the landscape plan to add more native trees and plants along the creek, and add screening trees along the south portion of the creek, and to add more shade trees or arbor structure in the front parking area. The DRC was concerned about the reflectivity of the proposed roof material and requested the architect research other less reflective roofing materials

A Mitigated Negative Declaration was prepared by the Project Planner and on May 21, 2007, the legal notice of the Notice of Intent to Waive the Public Hearing was mailed to property owners within 300-feet of the project site and orange notices were posted along Dry Creek Road. Within the 20-day posting period no objection to waiving the public hearing was received and on June 15, 2007, the Use Permit was approved by PRMD.

After two years, the applicant submitted a request for a one-year extension of time in order to meet Use Permit conditions. On May 15, 2009, the legal notice for the One-Year extension of time was mailed to property owners within 300-feet of the project site and orange notices were posted along Dry Creek Road. No objection was received and on June 11, 2009, a one-year extension of time was approved.

On October 5, 2010, PRMD staff sent a letter to the applicant and project engineer notifying them that since no development permits (septic, grading, or building permits) have been issued on the site for the project, the Use Permit has expired. On October 11, 2010, an appeal of this determination was filed by the applicant's engineer filed under ADA10-0006. PRMD determined that the applicant could submit a request to reactivate the expired Use Permit under the Economic Stimulus Ordinance No. 5929 adopted on April 12, 2011 by the Board of Supervisors. Under this Ordinance the Board of Supervisors allowed for reactivation of expired permits if requested by the applicant.

The applicant withdrew the appeal filed under ADA10-0006 and on May 12, 2012 submitted the request to reactivate the Use Permit and Design Review filed under PLP05-0062. The single winery building's location, size and design, and the parking and driveway locations remain unchanged from that approved in 2007 and 2009. The total number of agricultural promotional events of 24 per year remains the same (agricultural promotional events, plus industry wide event days). However, it's now specified that two are weddings and two are charitable benefit dinners. The dinners include the awarding of scholarships from

Wilson Artisan Wineries to children (high school seniors) of local vineyard workers who wish to continue their education. Each year \$20,000 worth of scholarships are awarded.

PRMD staff determined that updated noise study was needed and Department of Transportation and Public Works Department determined an updated traffic study was needed for the request. The updated Traffic and Noise studies are attached to the Revised Mitigated Negative Declaration. With the need for updated project information and traffic and noise studies, the request was processed by PRMD similar to a new Use Permit application. Also, the California Environmental Quality Act (CEQA) initial study checklist document was revised by the State Office of Planning and Resource to add the Greenhouse Gas discussion after 2007. In October 2014, the project was deemed complete for processing and a revised Mitigated Negative Declaration was prepared for the project consistent with the CEQA guidelines. The original approval of the project did not require a public hearing because a request by PRMD to waive the public hearing was posted for 20-days in the neighborhood and public hearing notices were mailed to property owners within 300-feet of the project site, and no hearing was requested by the public. Also, the approval of one year extension of time did not require a public hearing because once again a request by PRMD to waive the public hearing was posted for 20-days in the neighborhood and public hearing notices were mailed to property owners within 300-feet of the project site, and no hearing was requested by the public. However, PRMD staff determined that for the reactivation request a public hearing would be required due to concerns from the Dry Creek Valley Citizens Advisory Committee and neighbors. A large public hearing sign installed at the project site since the project site indicating the date and time of the public hearing.

On December 11, 2014, the public hearing on this request was originally set. However, due to the extreme flooding and weather conditions that occurred, all the hearings scheduled for this day were officially cancelled by PRMD.

For this hearing, a 20- day notice was provided by once again by installing a large public hearing sign on the project site, mailing hearing notices to property owners within 300-feet of the project site and to any interested parties, and publishing a hearing notice in the newspaper.

In February 2015, minor revisions were made to the original Site Plan in order to 1) comply with the new Riparian Corridor Protection Ordinance that went into effect on December 25, 2014 and 2) adhere to the neighbors' request on the north side by moving the front parking area further from their residence (refer to Exhibit E thru G of the staff report). The revised Site Plan shows the winery building located outside of the 50-foot building setback requirement of the seasonal stream and the front parking lot located in the center of the parcel. The applicant's sound consultant, Ilingworth & Rodkin, provided a letter to address the slight shift in the front parking location, concluding that the expected parking lot noise levels would continue to be below the daytime and nighttime levels in the General Plan at both the north and south residential property lines (Refer to Issue # 4 and Exhibit O of the staff report). The minor revisions to the Site Plan improves the overall project design and does not warrant any revisions to the mitigation measures or conditions incorporated into the project (Refer to Exhibit A of the staff report).

Furthermore, on February 5, 2015, an updated Traffic Impact Study was provided by W-Trans in order to provide the most recent traffic counts completed by the County in August 2014 on Dry Creek Road and to provide responses to public comments on the previous traffic studies prepared last year (refer to Exhibit N of the staff report. Traffic information for the project is further discussed in Issue # 5 below in this staff report.

Project Description:

The applicants request for reactivation of the previously approved Use Permit and Design Review consists of the following:

Construct a 25,000 case per-year winery and a public wine tasting room within a 17,000 square-foot building. All wine fermenting, aging, storing, and bottling would be done indoors with de-stemming and

crushing done outdoors on the covered crush pad attached to the winery building. The tasting room is located in the front portion of the building (northern side) and the crush pad and loading dock areas are located in the opposite end (southern side), with the production and storage areas in between the two uses (Refer to Exhibit F and G- Floor Plans).

The single winery building comprises of the following uses:

- Fermentation & laboratory (approximately 5,284 square feet)
- Barrel storage (approximately 5,000 square feet)
- Office & Administration (approximately 2,028 square feet)
- Commercial kitchen (approximately 256 square feet)
- Tasting and retail (approximately 3,258 square feet)

Other site improvements:

- Outdoor special events area with outdoor wine bar and pizza oven (6,000 square feet).
- Outdoor Crush pad (1,600 square feet)
- Detached barrel storage building- conversion of existing barn (approximately 3,200 square feet)

Employees: Five full-time employees, plus four seasonal employees during harvest

Hours of operation:

Winery: 6:00 a.m. to 5:00 p.m., Monday thru Saturday (non-harvest season) and 7:00 a.m. to 10:00 p.m., 7 days per week (harvest season).

Tasting room: 10:00 a.m. to 5:00 p.m., 7 days a week.

Agricultural Promotional Events:

Weddings: 1:00 p.m. to 9:30 p.m. (*)

Other : 2:00 p.m. to 9:30 p.m. (*)

Benefit Dinners: 6:00 p.m. to 9:30 p.m. (*)

Industry-wide: 10:00 a.m. to 5:00 p.m. (Tasting Room hours)

(*) Guests shall exit the project site by 9:30 p.m. Cleanup shall commence and employee shall exit the before 10:00 pm.

Hale Winery- Event table

Event type	# of events per year	# of guests per event	Event location	Amplified Music? Yes or No
Industry Wide	8 total days	300 rotates 50+/hr	West side of buildings or indoors	Outdoor Acoustical instruments or use of the computerized amplification system fitted with a sound limiter
	2 June/July	100	West side of buildings or indoors	Outdoor Acoustical instruments or use of the computerized amplification system fitted with a sound limiter
	12 1 per month / year	80	West side of buildings or indoors	Outdoor Acoustical instruments or use of the computerized amplification system fitted with a sound limiter

Community Benefit dinners	2 October/November	100	West side of buildings or indoors	Outdoor Acoustical instruments or use of the computerized amplification system fitted with a sound limiter
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Further Project Details:

1. The winery building is located in the front section of the property, approximately 300 feet off of Dry Creek Road and over 2,100 feet from Dry Creek.
2. The outdoor event area is located behind the barrel storage area by the tasting room. Any use of amplified music or sound either indoors or outdoors shall only use the winery's computerized amplification system fitted with a sound limiter(s).
3. Vineyard/winery production: The parcel is 40 acres with 36 acres planted in vineyard (90% of project site). The existing vineyard would provide about half of the 25,000 case-per-year volume, with grapes also being imported for crush and fermentation for other local vineyards.
4. Approximately 1.5 acres of the vines would have to be removed to accommodate the winery development. However, the applicant has confirmed that approximately .64 acres of vines can be replanted elsewhere on the site. Therefore, the overall net loss of vines is approximately 0.86 acres (less than 1 acre).
5. Two separate public parking areas would be provided on site. The first parking area is located in the front portion of the project site, just east of the seasonal creek with 10 parking spaces. The second parking area is located adjacent to the winery and tasting room building with four standard parking spaces and one handicap-accessible parking space. An additional parking area will be located near the south end of the fermentation building, used for truck and employee parking. Overflow parking for the larger industry wide events would be provided around the winery building and along the existing vineyard roads for approximately 39 spaces.
6. The existing driveway directly off of Dry Creek Road would be improved to meet AASHTO Standards.
7. A new well would be drilled on the project site. The new well must be installed with a 50-foot minimum seal to meet State drinking water standards.
8. A new septic system for the disposal of winery wastewater and for domestic wastewater would be installed behind the barrel storage building. Preliminary soils investigations were done on the project site by Adobe & Associates. In 2010, Atterbury & Associates submitted a septic permit and plans for a new mound system (SEP10-0246), however, the plans and permit cannot be approved until the related Use Permit filed under PLP05-0062 has been approved.

Site Characteristics:

The project site is 40 acres in size located on the west side of Dry Creek Road, approximately four miles northwest of Healdsburg. The property is fairly flat and contains a barn and well, with existing vineyard planted over 36 acres. Access would be an improved, existing driveway located on the south end of the parcel directly off of Dry Creek Road. The proposed winery and tasting room development is located in the front half of the parcel, with no work or disturbance near or along Dry Creek. A small seasonal stream runs along the front portion of the project site and feeds into Dry Creek to the west. The project site has been under a Prime (Type I) Land Conservation Act contract since 1972 (1-30-72; 2603/739).

Surrounding Land Use and Zoning:

The adjacent parcel to the south is 39 acres with an existing 10,000 case winery with a public tasting room, five industry-wide events, and a commercial vineyard (Unti Winery). The adjacent parcel to the north has a single family residence and commercial vineyard. Directly across Dry Creek Road to the east

is a 439 acre parcel with a hospitality building and commercial vineyards. Lot sizes in the area vary from 7 to 439 acres in size.

South: Single-family residences, winery, public tasting room, and vineyards.

West: Dry Creek, single-family residences and vineyards.

North: Single-family residence and vineyards.

East: Hospitality building, single-family residences and vineyards.

DISCUSSION OF ISSUES

Issue # 1: General Plan and Zoning Consistency

The General Plan policy for Land Intensive Agricultural states that agricultural production, agricultural support uses, and visitor serving uses, as provided in the Agricultural Resources Element of the General Plan, are allowed uses provided a Use Permit is approved. The reactivated project must continue to be found consistent with the General Plan's Agricultural Element Goals, Objectives and Policies, which include the following:

General Plan Consistency

Goal AR 2.1 *“Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranches to subdivide or convert the land to nonagricultural uses.”*

Goal AR-1: *“Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County.”*

Objective AR-1.2: *“Permit marketing of products grown and/or processed in Sonoma County in all areas designated for agricultural use.”*

“Policy AR-4a”: *The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.”*

Staff analysis: The majority of the project site is planted in vineyard and the primary use will remain agriculture production. The Dry Creek Valley consists of large commercial vineyard operations with wineries and tasting rooms. In LIA, residential uses are considered secondary to the primary uses of agricultural production and related processing. Nonetheless, conditions have been incorporated into the proposed project to reduce potential land use conflicts such as exterior lighting, traffic, and noise. All exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Noise generated by the proposed winery and event activities must be controlled by mitigation measures incorporated into the project under Condition 39. Finally, a traffic impact study determined that the traffic generated by the project would not adversely affect level of service of the nearby roadways or intersections. A majority of the vehicles coming to and leaving from the site would use Highway 101 directly onto Dry Creek Road which is a wide, well-maintained County roadway.

“GOAL AR-5: *Facilitate agricultural production by allowing agriculture-related support uses, such as processing, storage, bottling, canning and packaging, and agricultural support services, to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural production in the area.”*

Staff Analysis: The project site is 40 acres with 36 acres of premium vineyard. The proposed winery is within the Dry Creek Valley appellation. The winery facility would process grapes grown on-site and from the local area.

“Objective AR-5.1: *Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land use categories.”*

Staff Analysis: The project site is designated as Land Intensive Agriculture which is considered one of the primary agricultural land use designations. As discussed above, an on-site winery allows processing of grapes grown onsite and the local area.

“Policy AR-5a: *Provide for facilities that process agricultural products in all three agricultural land use categories only where processing supports and is proportional to agricultural production on site or in the local area.”*

Staff Analysis: The proposed 25,000 case winery will process the 36 acres of wine grapes grown on site, as well as other locally grown grapes. The winery would be located in the Dry Creek Valley, adjacent to Alexander Valley, which are both major grape growing regions where processing facilities are still needed.

“Policy AR-5c: *Permit storage, bottling, canning, and packaging facilities for agricultural products either grown or processed on site provided that these facilities are sized to accommodate, but not exceed, the needs of the growing or processing operation. Establish additional standards in the Development Code that differentiate between storage facilities directly necessary for processing, and facilities to be utilized for the storage of finished product such as case storage of bottled wine. Such standards should require an applicant to demonstrate the need for such on-site storage.”*

Staff Analysis: The winery building production and storage area consists of 0.54 square feet of production area per one case of wine. Research done for another winery project (UPE07-0008 Cornell Winery) determined that wineries on average provided 0.60 square feet of area per case of wine with a range of 0.33 sq. ft./case for a winery with a production capacity of 15,000 cases compared to 1.10 sq. ft./case for a smaller winery with a production capacity of 2,000 cases. For this facility, all processing, aging, and storage will be done indoors. Bottling would be done by a mobile bottling truck. In comparison, the size of the proposed winery is slightly below the average, in keeping with past winery approvals and the winery is consistent with the intent of the General Plan Policy AR-5c.

“Policy AR-6a”: *Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production.”*

Staff Analysis: Consistent with past approvals for similar projects, the proposed events at the winery facility are considered agricultural promotional events, including the two weddings. The wine produced at the site will be served to guests and guests would be educated on the wine-making processes. There would be a total of 24 event days out of a year, including industry-wide events. As proposed, one agricultural promotional event would be held per month throughout the year. The two weddings would be held in June and July (non-harvest season). The two charitable benefit dinners would occur in October and November at the end of harvest season. There is a question about the appropriateness of charitable events if they are directly related to on site agriculture promotion. All events on agriculturally zoned lands must be agricultural promotional events. The purpose of the winery holding events, including weddings and charitable event dinners, is to promote the winery by broadening the consumer-base, creating a relationship and a memorable experience for their event guests, which has proven to create a label recognition which increases overall wine sales and increases wine club memberships. Clearly, the vineyard, winery, and tasting room operations are the primary uses of the project site, with events being a secondary use. Whereas, the winery and tasting room operations occur all year round, seven days a week. Events will take place either within the winery /tasting room building or outdoors. There will be no permanent structures solely for event use. If needed, temporary tents would be used for outdoor events. The majority of the site will remain planted in vineyard (over 80%) and the events are limited in frequency and size remaining secondary and incidental to the on-site agricultural production and processing.

The LIA (Land Intensive Agriculture) zoning district allows for tasting rooms, subject to the minimum criteria of General Plan Policies AR-6d and AR-6g and approval of a Use Permit.

"Policy AR-6d: *Follow these guidelines for approval of visitor serving uses in agricultural areas:*

1. *The use promotes and markets only agricultural products grown or processed in the local area."*

Staff Analysis: The tasting room use will promote grapes grown and processed on site and the local area.

"2. The use is compatible with and secondary and incidental to agricultural production activities in the area."

Staff Analysis: The winery and tasting room uses encompass a small portion (1.5 acres) of the overall project site of 40 acres and considered secondary to the primary use of the project site which is a large commercial vineyard. The single winery and tasting room building would be used for indoor events, along with an outdoor area behind the winery building. No building solely used for events will be constructed on the project site. All parking needs associated with events can be accommodated on the site.

"3. The use will not require the extension of sewer and water."

Staff Analysis: The use will be served by on-site septic system and water well and extension of sewer and water lines will not be required.

"4. The use is compatible with existing uses in the area."

Staff Analysis: Under the LIA zoning, agricultural production and related processing are considered the primary uses, with residential uses secondary. There are several wineries and tasting rooms in the Dry Creek Valley. There are stand alone tasting rooms and a single complex of tasting rooms for several wineries at one location (Timber Crest Farms) and several wineries approved for events, including weddings. The proposed tasting room operating hours are limited to 10:00 a.m. to 5:00 p.m., 7 days a week and agricultural promotional events are limited to sixteen per year with limited guests per event and must end by 9 p.m. Also, the use of amplified music or sound shall be controlled by using the computerized amplification system fitted with a sound limiter to ensure the Daytime noise standards of the General Plan are not exceeded. The proposed winery and tasting room are similar to other wineries and tasting room uses in the area, and has been conditioned to avoid conflicts to be compatible with residential uses in the area.

"5. Hotels, motels, resorts, and similar lodging are not allowed."

Staff Analysis: The proposed project does not include commercial lodging accommodations.

"6. Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed."

Staff Analysis: The project includes a tasting room, retail sales, and agricultural promotional events, including two weddings, two charitable events, and industry wide events. The purpose for hosting events is to promote wine produced on the site by educating consumers of the wine-making process, providing a memorable experience at the winery which has been proven to provide label recognition which promotes direct sales and increases wine club memberships. Hosting on-site events has proven to be a successful marketing tool used by many wineries faced with a competitive market.

Zoning Consistency

The project site is zoned LIA (Land Intensive Agriculture). The purpose of LIA is stated as follows: *“To enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land; and to implement the provisions of the land intensive agriculture land use category of the General Plan and the policies of the agricultural resources element.”*

The request includes a winery and public tasting room with 12 agricultural promotional events (i.e. wine club dinners, food and wine pairings, new release events), two weddings, and two charitable events, and participation in industry wide events totaling eight days per year. The LIA (Land Intensive Agriculture) zoning district Section 26-04-010(g) allows for processing and preparation of agricultural products provided a Use Permit is approved, stated as follows:

“Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of general plan Policies AR-6d and AR-6g. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g);”

Staff analysis: For past projects, agricultural promotional events, including weddings, have been found consistent with the agricultural zoning districts, including the LIA zoning district, if the events can be found to promote the winery and the agricultural products grown or processed on the site. In addition, such events can be found compatible with surrounding agricultural activities if hours and the frequency of the events are limited and if there are no substantial noise or traffic impacts as a result of the activities.

The project site is located directly off of Dry Creek Road, a well maintained county roadway. According to the Traffic Impact Study prepared by W-Trans, traffic generated by the project would not cause traffic concerns or hazards. According to the Noise Study prepared by Illingworth and Rodkin, the winery operations and event noise would not exceed the Daytime Noise Standards in the General Plan with mitigations incorporated into the project reducing production noise and requiring that amplified music or sound be controlled through the use of winery’s computerized amplification system(s) installed with sound limiters with oversight required by a professional sound consultant during the construction phase of the building (refer to Revised Mitigated Negative Declaration – Attachments).

Currently, the Zoning Ordinance does not limit the number of agricultural promotional events allowed on agricultural zoned parcels. Using the Winery Database prepared by PRMD staff, the average number of approved agricultural promotional events at wineries in Sonoma County is 17. The average number of guests per event is 326. The average number of cases produced per year for a winery in Sonoma County is 121,531 cases, with a maximum size of 4,900,000 cases. With the data for events, it’s not clear if the average number includes industry-wide events. Previous approvals for wineries didn’t always require that the number of industry wide events be specified in the Use Permit conditions.

Similar winery projects in the County have been approved with agricultural promotional events, including weddings and charitable dinners, provided they are limited by the conditions to assure the focus is on agricultural promotion and limited in frequency and size to be compatible with surrounding land uses. This proposal would not create traffic impacts or increase the level of service of Dry Creek Road. Also, mitigation measures have been incorporated into the project to reduce potential exterior lighting and noise impacts. A Mound septic system has been designed to serve the winery use and the project will be served by a new private well located in a Class 1 area.

Previously approved wineries with weddings located in agricultural zones include: Tresch Farms, Armida Winery, Trentadue Winery, Annadel 1880 Winery & Gardens, B.R. Cohn Winery, Cline Cellars, Flying Cloud Farm, Garden Valley Ranch, Compass Rose Gardens, Gloria Ferrer Winery, Hanna Winery, Kunde Winery, Mayo Family Winery, Paradise Winery, St. Francis Winery, Simi Winery, Viansa Winery, and Hammel Winery. Research also indicates that several wineries were approved for “special events” without having to specify the type of ‘special events” and are now hosting weddings or rehearsal dinners according to their websites.

The administration portion (e.g. office and conference rooms) of the winery facility must be incidental in size and use to the primary wine production and storage use (maximum 15% of the square footage). The total size of all office and conference room areas is 2,028 square foot. The total wine production and storage area is 13,510 square feet, and 15% equals 2,027 square feet. Therefore, the administrative uses related to the winery facility are within the 15% threshold and considered incidental to the wine production and storage use.

Issue # 2: Land Conservation Act Contract

The project site is under a prime Land Conservation Contract (Williamson Act contract). In order to comply with the contract, land must meet the requirements of the Sonoma County Uniform Rules and the Land Conservation Act.

County's Uniform Rules

- 1) The land must be devoted to an agricultural or open space use as defined in the Williamson Act. The County has required at least 50% of the land be devoted to agriculture or open space use to meet this standard.

Staff analysis: The 40 acre parcel is planted in 36 acres of vines. Approximately 1.5 acres will be removed from production for construction of the proposed winery building, connecting driveways, parking areas, and lawn areas. However, .64 acres of vineyard can be replanted elsewhere on the site, therefore, overall loss of vineyard is less than one acre (0.86 acres). A full replanting of the 1.5 acres of vines removed appears to not be possible on the project site in order to maintain cultivation setback requirements from Dry Creek and the seasonal stream and the vineyard roads and tractor-turnaround areas. Therefore, 87% of the site would remain under vineyard production. The project site will continue to be devoted to an agricultural use.

In comparison, in 2014, also in Dry Creek Valley, the BZA approved a new winery and tasting room on a 10.35 acre project site also under a Prime Land Conservation Contract. For this project 1.5 acres of vines had to be removed to accommodate the winery site development and lawn/landscaping (PLP13-0004 – Comstock 1290 Dry Creek Road). This was not considered significant because approximately 8.85 acres would remain planted in vines (85%). The Hale winery site is much larger in size with a larger commercial vineyard to remain on the project site.

- 2) The land must have a minimum parcel size of 10 acres for a Type 1 or 40 acres for a Type 2 contract.

Staff analysis: The parcel is 40 acres in size under a prime (Type I) contract.

- 3) Compatible uses may be permitted provided that they are incidental to the primary use of the land for agriculture, listed in the County's Uniform Rules for Agricultural Preserves and meet the criteria for compatibility.

Staff analysis: Incidental has been defined by the County to mean compatible uses may collectively occupy no more than 15% of the land area or five acres whichever is less. For the 40 acre parcel size, the 5 acre threshold would apply. The proposed building, connecting driveways, parking areas and lawn areas are considered compatible uses and encompass approximately 1.5 acres, well below the threshold. The County's Uniform Rules list agricultural promotional events as a "compatible use" for land under an agricultural contract under the following circumstances:

1. When directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, and,
2. Events last no longer than two consecutive days and do not provide overnight accommodations, and,

3. No permanent structure dedicated to events is constructed or maintained on the contracted land.

Staff analysis: Events would not last longer than two consecutive days. No lodging is provided, and no permanent structure would be constructed or devoted to event-use. The agricultural promotional events, charitable events, weddings, and industry-wide events would take place inside the winery/tasting room building or outdoors, west of the winery/tasting room building.

Land Conservation Act -Principles of Compatibility:

The project must also be found consistent with the Land Conservation Act (Williamson Act). Staff has prepared the following analysis to address the findings required by the applicable Sections of the Act. Section 51201 (e) of the Land Conservation Act defines "Compatible Use" as any use determined by the county or city administering the preserve pursuant to sections 51231, 51238 or 51238.1 or by the Act to be compatible with the agricultural, recreational, or open space use of land within the preserve and subject to contract. In addition, Section 51220.5 states that "cities and counties shall determine the types of uses to be deemed compatible in a manner which recognizes that a permanent or temporary population increase hinders or impairs agricultural operations."

"Compatible Use" is defined as any use determined by the county or city administering the preserve pursuant to sections 51231, 51238 or 51238.1 or by this act to be compatible with the agricultural, recreational, or open space use of land within the preserve and subject to contract.

In addition, Section 51220.5 states that "cities and counties shall determine the types of uses to be deemed compatible in a manner which recognizes that a permanent or temporary population increase hinders or impairs agricultural operations."

Staff analysis: Consistent with Section 51220.5, the County's Uniform Rules consider agricultural promotional events, even weddings, a compatible use in association with an on-site agricultural use because they promote the winery and provide a marketing tool for direct sales of an agricultural product, promoting the long-term viability of agriculture within the county. In this case, the wine produced at the winery will be served to guests at each of the events, including the weddings and charitable dinners. Also conditions of the Use Permit limit the frequency and size (# of guests) and hours of the events and incorporate exterior lighting, noise, and parking conditions into the Use Permit to prevent conflicts with on-site and surrounding agricultural operations.

Section 51238.1 of the Land Conservation Act states, "*Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:*

(1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted land in agricultural preserves.

(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use."

Staff analysis: The proposed use is a winery to process grapes grown on the site. Wine grapes need a processing facility. Removing less than an acre of grapes to accommodate an on-site processing facility with a tasting room to market the finished product will enhance, not impair, the agricultural operations on the site or compromise the long-term productivity of the project site. The land is more likely to remain planted in grapes, or other agricultural commodity, with an on-site processing facility. Allowing a winery and tasting room on the site where the grapes are grown would not compromise the long-term productivity of the project site and the area of development is small in scale.

The weddings and agricultural promotional events do not compromise agricultural capability because they are marketing tools to help sell wine produced on site and ensure the long term viability of the vineyard and winery. The proposed weddings and events are limited in frequency and size and held in the afternoon and evening hours and would not conflict with a majority of the on-site agricultural activities which occur in the early mornings. The two weddings would be held during non harvest months (June and July).

The wine-grape industry in Sonoma County is booming. Placing an agricultural-related winery and tasting room on contract land will not result in the removal of adjacent contracted land from agricultural or open space use. A good example is the property next door to the south which is also under a Prime Land Conservation Contract since 1972. This property has an existing winery and public tasting room with industry wide events (Unti Winery) with the commercial vineyard. The winery operation on the neighboring property has not caused the subject parcel to be removed from agricultural production (vineyard). Providing more local processing facilities in the area encourages other landowners to keep their land in commercial vineyard instead of pursuing non-agricultural related land uses. Currently, the Sonoma County wine-grape crop is valued at over 600 million, according to the 2013 Sonoma County Crop Report prepared by the Agricultural Commissioner. With the high value of wine grapes in Sonoma County, it is highly unlikely this project would result in the removal of wine grapes in the Dry Creek Valley.

Issue # 3: Concentration of Uses

General Plan **Policy AR-5g** addresses concentration of uses as it states: *“Local concentrations of any separate agricultural support uses, including processing, storage, bottling, canning and packaging, agricultural support services, and visitor-serving and recreational uses as provided in Policy AR-6f, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:*

“1. Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element’s objectives for level of service on a site specific and cumulative basis.”

Staff Analysis: Based on the Traffic Analysis prepared by W-Trans, and reviewed and accepted by the Sonoma County Transportation and Public Works Department, project generated traffic will not result in road access conflicts and would not exceed the level of service established in the Circulation and Transit Element’s objectives (Refer to Issue # 5 in this staff report and further discussion under item 16 Traffic Impacts in the initial study checklist).

“2. Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells”.

Staff Analysis: The project site draws groundwater from the Dry Creek Valley aquifer. This aquifer extends the length of Dry Creek Valley and is replenished by natural recharge areas within the Dry Creek water shed. The County General Plan “Zone 1 – Water Availability Area” designation indicates this aquifer is a sustained source of groundwater and therefore the County does not require a ground water study. Also, this aquifer is not a regulated groundwater basin, so no entitlements are required to extract water from this source.

The water demand generated by the winery and tasting room uses is limited given the project’s relatively small scale. A new well will be drilled on the property to serve these new uses regulated as a public water supply in accordance with State Office of Drinking Water requirements. Because the water demand associated with the proposed uses is relatively small, there is adequate ground water supply to serve the project and will not significantly impact wells in the area. The project site is located in a Zone 1 Water Availability Area designation which is described as areas “A Major Groundwater

Basin” in the Resource Conservation Element of the General Plan. The winery is limited in case production, the tasting room hours are limited, and events are limited in frequency and size per year. There is no residence on the project site. Based on industry standards used by engineers, approximately 6 gallons of water is needed to make 1 gallon of wine. At the maximum capacity of 25,000 cases of wine each year, the total annual water demand for the winery is estimated 360,000 gallons of water or .91 AF (acre feet) of water (325,830 gallons per one AF of water). In comparison, the water demand for a typical single family residence uses is 0.60 AF/year (R.C. Slade, PLP02-0026). Currently, there are no residences on the project site. The current density allowance would allow two residences, or a two-lot subdivision. The winery water usage is estimated to be compared to 1.5 residences.

Under General Plan Policy WR-2d, the Use Permit, if approved, is subject to a condition that requires groundwater monitoring for new or expanded discretionary commercial and industrial uses using wells. Where justified by the monitoring program, establish additional monitoring requirements for other new wells.*

“3. Whether the above uses would be detrimental to the rural character of the area.”

Staff Analysis: The project site is 40 acres with 36 acres of existing vineyard. Approximately 1.5 acres of vines would have to be removed for the project, with .64 acres of vines to be re-planted on the site. Therefore, less than one acre of vines (0.86 acres) of vineyard would be removed. The single winery and tasting room building is located outside of the 200-foot Scenic Corridor setback for Dry Creek Road. The proposed winery building design and architecture has been reviewed by the Design Review Committee who had no objection to the design, only recommending to reduce the reflectivity of the metal roof. Existing vineyard and landscaping on the site, as well as, proposed landscaping improvements will help screen the building from the public road. The winery building would have an agrarian design with cedar stained board and batten siding and corrugated roofing which is consistent with the rural character.

A standard as to how far to measure concentration of land uses has not been established by PRMD. Therefore, three recently approved projects were used as examples. For these projects the Planners used a range of radius: 1.8 miles, 1.5 miles, and 1 mile to measure the concentration of land uses.

In 2013, the BZA approved a new 12,250 square foot winery located at 8500 Dry Creek Road with an maximum annual production capacity of 10,000 cases, public tasting, retail sales, 14 promotional events plus four industry-wide promotional events (PLP12-0020- Seaton Winery) determining that adding one more winery within a 1.8 mile radius of five existing wineries with public tasting rooms would not result in an over concentration of an agricultural support use and two of the five wineries in the near vicinity do not conduct agricultural promotional events and only participate in industry wide events.

In 2014, in the neighboring Alexander Valley, the BZA approved expansion of an existing winery at 7370 Highway 128 with a maximum annual production capacity of 120,000 cases, with a public tasting room, marketing accommodations and 25 agricultural promotional events per year with a range of 50 to 200 guests, one event per year with a maximum of 1,000 guests winery (PLP14-0004 Silver Oak Winery) determining that the winery expansion within a 1.5 mile radius of eight existing wineries with public tasting rooms would not result in an over concentration of an agricultural support use because project generated traffic will not result in road access conflicts and would not exceed the level of service.

Also, in 2014, in the area of Geyserville, the BZA approved a new distillery (ag processing) no tasting or events (PLP12-0040), determining that adding one more agricultural processing facility within a one-mile radius of two existing wineries and six tasting rooms would not result in an overconcentration primarily because the project did not impact the level of service on roadways in the area.

The Table below depicts existing wineries and tasting rooms along Dry Creek Road within 1.5 miles to 2 miles of the project site:

Wineries South of Project Site	<u>Location</u>	<u>Production Capacity – Cases</u>	<u>Public Tasting</u>	<u>Permitted for Events and maximum number of guests per event</u>	<u>Distance from Site- Approx.</u>
Nalle	2383 Dry Creek Rd UPE03-0050 Approved 10/2003	10,000	Yes	No	2.1 miles
Mauritson	2859 Dry Creek Rd UPE01-0101 Approved 7/2002	25,000	Yes	12 w/100 guests maximum	1.6 miles
F. Teldeschi	3555 Dry Creek Rd UPE90-0197 Approved 8/1990	10,000	Yes	No	1.35 miles
Amista	3320 Dry Creek Rd UPE04-0047 Approved by BOS on appeal 7/2005	20,000	Yes	No	1.4 miles
Rued	3850 Dry Creek Rd UPE11-0088 Approved 5/2012	8,500	Yes	17 w/100 guests maximum, including 1 wedding. 8 Industry-wide events.	0.70 miles
Mascherini (Yellow-Dog Vineyard)	3998 Dry Creek Rd UPE10-0043 Approved 4/2011 (To date- not in operation)	No winery	Yes	20 w/ 50 guests maximum. 8 industry-wide events.	0.32 miles
Unti	4202 Dry Creek Rd UPE02-0039 Approved 10/2002	10,000	Yes	5 industry-wide events	0.08 miles
Wineries North of Project Site					
Chateau Diana	6195 Dry Creek Rd UPE05-0082 Approved 9/2008	15,000	Yes	No	1.8 miles
Truett Hurst	5610 Dry Creek Rd UPE05-0006 Approved 11/2006	40,000	Yes	30 w/200 guests maximum	1.3 miles
Forchini	5141 Dry Creek Rd UPE09-0032 Approved 10/2009	5,000	Yes	4 w/60 guests maximum. 7 Industry-wide events	0.80 miles
Dry Creek Coop of Family Wineries/Timber Crest Farms	4791 Dry Creek Rd UPE04-0148 Approved 5/2005	65,000	Yes	4 w/180 guests maximum	0.50 miles
Kachina	4551 Dry Creek Rd UPE07-0072 Approved 3/2008	2,500	No- Appt Only	12 w/30 guests maximum	0.15 miles
Lawton Pech Merle Winery – Ruby Dog LLC	4543 Dry Creek Road, Healdsburg Approved 4/2009. Extension of time Approved 11/2011. UP vested - determined by PRMD.	30,000	Yes	10 w/ 100 guests and 5 w/ 200 guests. Industry wide events allowed (# not specified)	0.15 miles

The site at Timber Crest Farms encompasses a variety of small businesses such as: custom-made sauce manufacturer, an olive oil company, wineries, tasting rooms and vineyard root stock companies.

Similar to findings made on recently approved projects, adding one more winery and tasting room along Dry Creek Road does not result in an overconcentration because based on the criterion listed above in **General Plan Policy AR-6f**, the project generated traffic will not result in road access conflicts. Dry Creek Road is designated as a Rural Major Collector (Figure CT-4c of the General Plan 2020) and the Traffic Impact Study prepared by W-Trans (dated 2-5-2015) concludes that Dry Creek Road is currently operating at LOS A during the evening peak hour, and is expected to operate at LOS B with project trips added. The project generated traffic will not result in road access conflicts and would not exceed the level of service established in the Circulation and Transit Element's objective to maintain a Level of Service C or better on County roadways (Objective CT-4.1). And, unlike other rural roads in the area, Dry Creek Road is a wide, well-maintained County roadway. In addition, the project site is located in a Zone 1 water area.

The third criterion is whether the use is detrimental to the rural character. This is more difficult to measure since it more subjective in nature. The issue of overconcentration has been raised in the Dry Creek Valley because of several wineries hosting events all on the same day, and the accumulation of traffic, parking, noise, and the large gatherings of people can be considered inconsistent with the rural character of the area. However, the Zoning Ordinance does not limit the number of agricultural promotional events allowed on agricultural zoned parcels. The average number of approved events at wineries in Sonoma County is 20. For this project the total number of agricultural events proposed is below the County-wide average and below that of a recently approved winery (UPE11-0088 – Rued) in the immediate area also located on Dry Creek Road.

This project was approved and expired, and is being considered under the Economic Stimulus Ordinance No. 5929. The project was previously approved in 2007, with an extended approval in 2009. Since 2009, in less than one-mile of the project site, an existing winery was approved to add events (Rued UPE11-0088), a new winery and tasting room with events was approved (Pech Merle- PLP08-0087), and a stand-alone public tasting room was approved (UPE10-0043- Yellow Dog Vineyards). With the approval of these three new projects, a concern of over concentration of uses was not raised by the community of Dry Creek Valley.

In 2012, the BZA approved the existing Rued Winery (UPE11-0088) to add events. The existing 8,500 case winery with a public tasting, tours and retail sales is located at 3850 Dry Creek Road (less than one mile from the project site). The BZA reduced the number of agricultural promotional events from 24 to 17 per year with a maximum of 100 guests per event, and of these events, reduced the number of weddings from three to one a year to be held only during summer. Also, the BZA approved eight industry wide events limited to tasting room hours. The BZA was clear in their findings that all other events must be related to marketing and promoting the wine made on-site. Special events were limited to the hours between 10:00 a.m. and 9:00 p.m., and amplified sound and all musical instruments was restricted to background sound, but with no further conditions to limit noise levels.

In 2013, the BZA approved a new 10,000 case winery with public tasting, retail sales, 14 agricultural promotional events with 60 guests per event, four industry wide events, and two marketing accommodations on a parcel located near the end of Dry Creek Valley (PLP12-0020, 8500 Dry Creek Rd-Seifrick). It was determined that adding one more winery and tasting room with five existing wineries with public tasting rooms and events, within 1.8 miles of the project site, would not result in an over concentration of uses.

In 2014, the BZA approved on the opposite side of Dry Creek Valley, at the gateway, a new 35,000 case winery with public tasting, retail sales, 15 promotional events with guests ranging from 60 to 200 persons per event and seven industry-wide promotional events (PLP13-0004, 1290 Dry Creek Rd-Comstock). It was also determined that adding one more winery with a tasting room and events with three existing wineries with tasting rooms and events, within one mile of the project site, would not result in an over concentration of uses.

For the three recently approved projects mentioned above, one located near the project site and the other two are on opposite side of Dry Creek Valley, the BZA determined for each project that it will not be detrimental to the rural character of the area and will not result in an over concentration of uses. The existing rural character of the area consists of vineyards, wineries, tasting rooms, single family dwellings, a general store, and outdoor recreation. The proposed project is an agricultural use that conforms to this general development pattern. The project is similar and compatible with existing land uses in the area. Based on the above information, the proposed project will not be detrimental to the community's rural character.

Issue # 4: Noise

The Noise Element of the Sonoma County General Plan establishes goals, objectives and policies including performance standards to regulate noise affecting residential and other sensitive receptors. The General Plan sets separate standards for transportation noise and for noise from non-transportation land uses, identifying a site as "noise impacted" if it experiences noise levels of 60 dBA or greater.

For the reactivation request, updated Noise Assessments were prepared by Ilingthworth & Rodkin. There are two neighboring residences to the north and south of the project site that are close to the property line boundaries. The residence to the north is approximately five feet from the side property line boundary and approximately 170 feet from the proposed winery development. The residence to the south is approximately 60 feet from the side property line boundary and approximately 230 feet from the proposed winery development.

Existing noise conditions on the property are primarily attributable to Dry Creek Road vehicle traffic. Readings taken 135 feet from centerline of Dry Creek Road found noise levels ranging from 57 to 58 dBA (Ldn readings – using a day/night averaging). Short-term noise readings were higher (i.e., two-minute readings), reflecting noise of passing trucks and vehicles.

Winery Noise:

Noise under this category includes that from vehicles entering and leaving the parking lots and driveways, and mechanical and related production noise of the winery operation (crush and bottling, in particular). Short-term and periodic or seasonal noise is expected from use of heavy equipment and bottling equipment. While noise levels of vehicles entering and leaving the site at 15 mph would not exceed noise standards as measured at the adjoining residential property lines the noise study found that truck traffic could result in a 68 dBA at 25 feet, therefore, nighttime truck deliveries are not permitted (refer to Condition 44).

Noise from the winery operation was also evaluated. The study found that mechanical noise related to grape crush and bottling, including use of air-cooled condensing units, pumps and compressors, would increase noise readings at the residential property lines. Because specifics on the precise equipment is not yet available, conditions require the winery building's construction plans be reviewed by the professional sound consultant to ensure noise limits at the residential property lines are not exceeded (refer to Condition No. 31).

Crush operations would last approximately six to eight weeks per year, and would involve unloading of trucks, use of forklifts, pressure washing of grape bins, and related activities. The noise study estimates these activities would generate a noise reading of 63 dBA at 50 feet. The noise reading at the closest residential property line is expected to be approximately 47 dBA (to the south) and 43 dBA (to the north). The study concludes that these readings would be in compliance with the 50 dBA Noise standard, if occurring on a cumulative basis for 30 to 60 minutes per measuring hour.

Bottling would be done by a mobile bottling truck. Typically, bottling trucks have the capacity to bottle approximately 1,500 to 1,800 cases per an 8-hour day. Therefore, it is expected that the bottling would occur for 14 to 17 days out of the year. Estimated noise at the rear of the bottling truck is 67 dBA at 50

feet with unshielded conditions. A condition requires the rear of the bottling truck be oriented to the west away from sensitive receptors to reduce noise (refer to Condition 44).

Special Event Noise:

Events will be held either indoors or outdoors. The outdoor event area is designated behind the winery building (west) on a flagstone patio and lawn area. The industry wide events, a few of the agricultural promotional events, and portions of the wedding venues would be held outdoors. A majority of these events would have non-amplified music, such as musicians with acoustic instruments, such as guitars or violins without any electronic amplification.

For weddings and the charitable benefit dinners, amplified music and sound would be used possibly indoors and outdoors. The outdoor event area is approximately 200 feet from the nearest property line to the north and 320 feet from the nearest property line to the east. Vehicle noise was estimated at 49 dBA for an 8-minute averaging period, measured at the closest residential property lines. Holding the special events behind the winery building will effectively shield the adjoining residential uses to the north, south and east, and is located at least 200 feet from the closest residential property line. Maximum on-site noise levels from events were estimated to be 62 dBA measured at 50 feet, while off-site noise readings at nearby residential property lines would decrease to 40 dBA, meeting County standards.

In the October 2014 Noise Assessment, the sound consultant discusses the option of using sound amplification equipment fitted with a sound limiter to prevent the volume from being turned up too high. They further explain that with the incorporation of the sound limiter, operational noise levels assuming amplified music or speech outdoors at the winery would not exceed the adjusted daytime noise limit at Residence 1 or 2 (refer to October 2014 Noise Assessment ,Page 10). An installed sound limiter uses a microphone to measure the loudness of the sound. When the sound exceeds a pre-defined level, the limiter cuts the electrical supply to the equipment, operating like a fuse. The system then needs to be reset prior to providing electricity again. The limiter usually contains some sort of warning light system to alert the user of when the sound is approaching the limiter's maximum volume. Conditions require sound limiters be installed in the winery's computerized amplification system(s).

After meeting with the neighbor who resides on the north side of the project site, the applicant shifted the front parking area to the south to provide a greater distance between the neighbors' residence and parking area to 150-feet. Illingworth and Rodkin explains in their February 5, 2015, addendum letter that parking lot noise levels would continue to remain below the daytime (60 dBA) and nighttime (55 dBA) noise level limits at the nearest residential property line to the south. In addition, no new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval would be needed.

During the project construction, there will be temporary increases in the areas ambient noise levels. Temporary increase in noise levels from equipment operation that could exceed County standards are expected to occur during construction. This would be a short-term, temporary impact that will cease when construction is complete. Nonetheless, a condition is required to reduce potential noise impacts from construction activities (refer to Condition No. 28). The Environmental Health Specialist –Project Review Section reviewed the updated Noise Assessments and agrees with the noise conditions and mitigation measures incorporated into the project.

Issue # 5: Traffic and Parking

On February 5, 2015, W-Trans submitted an updated Traffic Impact Study to address neighbors' comments raised on the previous traffic studies prepared for the project and to provide the most recent traffic counts taken on a section of Dry Creek Road by the County in August 2014 (Refer to Exhibit N of the staff report). This updated traffic study did not warrant any changes to the draft Conditions of Approval (Refer to Exhibit A of the staff report) provided to the BZA for the December 2014 hearing.

The project will use an existing driveway located on the south side of the site directly off of Dry Creek Road for all truck and vehicular access and egress. This driveway is currently used to transport grapes off site for processing and vineyard workers vehicles. W-Trans explains Dry Creek Road is a two-lane road with a posted speed limit of 50 miles per hour (mph). There are paved shoulders on both sides of the road that are used as bicycle lanes.

Study Area:

The study area consists of Dry Creek Road fronting the winery site, and the project driveway providing access to the existing wine storage building and the 35-acre vineyard. The proposed project would take access from the existing driveway located on the west side of Dry Creek Road approximately 1,500 feet south of Norris Road and three-quarters of a mile north of Lambert Bridge Road.

Traffic Counts:

Based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at LOS A during the p.m. peak hour. It is classified as a Rural Major Collector road in Figure CT-4c of the Sonoma County General Plan 2020 Circulation and Transit Element. The roadway is marked with a solid double yellow centerline immediately in front of the driveway that transitions to a dashed yellow line for northbound traffic just north of Norris Road. A copy of the level of service calculation is provided by W-Trans in Appendix A.

The Department of Transportation and Public Works takes 48-hour counts to determine an average 24-hour period. This particular study began at noon on Monday, August 11, 2014 and concluded at noon on Wednesday, August 13, 2014. The data is collected by a traffic technician using a portable device attached to the pavement in each lane. According to DTPW the industry standard is to collect data outside of the Monday morning and Friday evening commutes which tend to have higher volumes. There is no specific data related to lake-oriented traffic, and this traffic can also arrive from Dutcher Creek and Canyon Road instead of Dry Creek Road. According to DTPW their department does have counts east of the bridge over Dry Creek that indicate approximately 1200 vehicles travel through the dam site daily.

Collision History:

W-Trans reviewed the collision history for the study area to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current five-year period available is July 2008 through June 2013.

For this five-year period there were seven collisions reported on Dry Creek Road within one half mile in either direction of the existing driveway to the driveway resulting in a calculated collision rate 1.24 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average for two-lane rural roads with a speed limit less than 55 miles per hour, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 0.93 c/mvm.

The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, therefore, W-Trans reviewed the records further. Of the seven collisions reported, three were single vehicle collisions with improper turning described as the primary collision factor for two and driving under the influence for the other. The other four collisions involved two vehicles traveling in the same direction, so are likely associated with movements at driveways and three were due to drivers attempting to pass another vehicle making a turn. This type of collision is often associated with inadequate sight lines as well as drivers traveling at an excessive speed. W-Trans concludes that as long as the driveway has adequate sight lines so that drivers have adequate time to react to movements into and out of the driveway, the

project would not be expected to have a perceptible impact on safety conditions in the area (Refer to TIS Appendix B Collision Rate Calculations).

Project Trip Generation:

It was assumed that the winery will import just over half of the grapes needed to produce 25,000 cases of wine, with the fruit coming from the adjacent vineyards. The winery will have five employees for production, administration, and sales, and the tasting room will have one employee. Each is assumed to generate an average of three trips per day, resulting in 18 employee trips per day.

An average of 38 visitors per day is expected for tasting, with a high of 50 daily tasters during the summertime months and a low of about 20 visitors daily during the wintertime months. Based on the average vehicle occupancy of 2.5 visitors per vehicle and conservatively applying trips based on 50 visitors, an average of 30 daily trips is expected due to tasting room visitors. To arrive at these numbers, W-Trans used data previously collected at a local Sonoma County winery which were then used to develop factors for winery tasting room trips made during both the p.m. and weekend midday peak hour. This data of the winery's driveway counts were collected by W-Trans one week every month for a year and indicate that 10 percent of the daily tasting trips occur during the p.m. peak hour and 13 percent during the weekend midday peak. In addition to visitor and employee traffic, truck traffic in the form of deliveries is expected to contribute two trip ends per weekday.

As shown in Table 1 below, the proposed tasting room at the project site would be expected to generate an average of 50 new trip ends per day during peak operation, including 9 trips during the weekday p.m. peak hour and 10 during the weekend midday peak hour. These new trips represent the increase in traffic associated with the project compared to existing volumes.

**Table 1
Trip Generation**

Trip Type	Units	Daily Trips	Weekday PM Peak			Saturday Midday Peak		
			Trips	In	Out	Trips	In	Out
Employees	5	15	5	1	4	5	2	3
Tasting Visitors	38	30	3	0	3	4	2	2
Tasting Room Employees	1	3	1	0	1	1	1	0
Trucks	1	2	0	0	0	0	0	0
Total New Trips		50	9	1	8	10	5	5

However, it should be noted that the trip generation estimates treat each visitor as if they were making a single-purpose trip to visit this one winery, when in fact most visitors are going to multiple tasting rooms while on the same trip. Given the proximity to other wineries along Dry Creek Road it is likely that the bulk of the tasting room traffic would be drawn from the existing stream of traffic generated by visitors already in the area that are visiting one or more of the surrounding wineries, so would not result in 30 new trips.

Agricultural Promotional Events:

The project application includes provisions for 24 agricultural promotional events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events. It is assumed that a maximum sized 100-person event would require a staff of six. Using an occupancy of 2.5 vehicles per guests and solo occupancy for staff, a maximum sized event would be expected to generate 92 trip ends at the driveway, including 46 inbound

trips at the start of the event and 46 outbound trips upon its conclusion. It is noted that, while employees would typically arrive an hour or more before guests arrive and depart an hour or more after they leave, W-Trans took a more conservative approach and assumed that employees arrive and depart during the same hour as guests. Further, W-Trans assumed that all guests arrive during a single hour and depart during a single hour, even though there may be those guests who arrive late or depart early. The traffic volume actually arriving during a single hour would therefore likely be less than the volumes as indicated and used for the analysis.

Annual Average Daily Event Traffic

For the purpose of calculating traffic impact fees, Sonoma County uses an annualized average trip generation that factors in event traffic. Over the course of a year, events are expected to generate an annualized average of eight trips per day. Obviously events only generate traffic on days when they occur; however, this annualized average is provided for staff's use only and was not used for any analysis purposes.

Finding: A maximum sized event would have a peak trip generation of 46 vehicle trips during a single hour. Averaged out over the course of the year, special events are expected to generate an average of 8 trips a day (AADT), as indicated on the County's standard winery trip generation form.

Harvest Season

As proposed, there would be no additional employees during harvest season. The importing of grapes and other production-related trips results in about one truck trip per day, on average, over the course of the two-month harvest season, or one round trip every other day. The trip generation variation over the course of the year is shown in the Winery Trip Generation Form (Appendix C of the Traffic Impact Study).

Existing plus Project Conditions:

County data obtained during August of 2011 and 2014 were reviewed to determine hourly volumes for Dry Creek Road. Both counts were performed in August, which tends to be one of the highest-volume months of the year, and had very similar average volumes during the p.m. peak hour. These counts indicate about Dry Creek Road carries about 315 vehicles during the peak hour, with 125 northbound and 190 southbound, and operates at LOS A during the p.m. peak hour.

The project is expected to generate a maximum of 46 trips during any hour. With these trips added to the existing peak hour volumes, Dry Creek Road would be expected to operate at LOS B. The project's impact is therefore less than significant. It is further noted that the peak trip generation of 46 trips would be unlikely to occur during the peak hour.

Traffic counts for Saturday and Sunday were also reviewed, and it was determined that, while the peak hour on a Saturday occurs during the middle of the day, the volumes are very similar to those during the weekday evening peak hour. Volumes during the Sunday peak hour, which was also during the middle of the day, were lower than those on either a Saturday or during the evening peak hour. The analysis using peak hour volumes therefore adequately captures operation on a weekend as well.

W-Trans considered the potential for multiple events to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, even if five such events occurred in the same area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

One concern expressed by a neighbor was the project should use a traffic control officers for special events. The analysis performed indicates that there is no need for such a requirement, as traffic operations would continue to be acceptable with the addition of project-generated trips.

Finding: Due to the minimal number of peak hour trips that the project is expected to generate, traffic operation is expected to be essentially unchanged upon adding project-generated trips. Further, there is sufficient capacity to accommodate trips associated with special events, even if multiple events occurred simultaneously. The project would therefore have a less-than-significant impact on traffic operation.

Alternative Modes:

Dry Creek Road is a popular route for bicycle travel, but has little pedestrian traffic. Dry Creek Road has wide shoulders in the easterly part of the route that provide cyclists with a place to ride that is outside the vehicle travel lane. Within the project area Dry Creek Road is designated as a future Class II bike route in the Sonoma County Bicycle and Pedestrian Plan. The project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel. However, to provide for the planned future bike lanes, the project should ensure that adequate right-of-way is available along the project's frontage so that at such time as the County undertakes a project to construct the bike lanes they will have adequate width to build the lane.

Finding: The project will have no direct impact on adequacy of facilities for bicyclists, but should provide for planned future improvements as appropriate. The project site would use the existing driveway located on the south side of the property directly off of Dry Creek Road.

Recommendation: The project should dedicate right-of-way as necessary to accommodate a 6-foot shoulder on Dry Creek Road along the project site's roadway frontage.

Sight Distance:

At the project driveway a clear line of sight must be maintained at all times. W-Trans evaluated the sight distance along Dry Creek Road at the project driveway based on sight distance criteria published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines include recommended sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches and for drivers of stopped vehicles at the minor street approaches and driveways. These recommendations are based upon approach travel speeds and take into account which direction a vehicle would turn onto the major approach, with greater sight distance needed for a more time-consuming task such as turning left, instead of turning right.

W-Trans conducted a field visit of the project site and study area. Sight distance was measured from a 3.5-foot height at the location of the driver 15 feet back from the edge-line on the minor road to a 4.25-foot object height in the center of the approaching lane of the major road. During the field review, W-Trans performed a short speed survey that indicated that the 85th percentile speed of drivers approaching the driveway was 53 mph. A design speed of 55 mph was therefore used to capture the actual speed at which drivers are traveling. Based on a 55-mph design speed, AASHTO recommends the sight distances indicated in Table 2 for the associated movements.

**Table 2
Sight Distance Evaluation**

Type of Sight Distance	Minimum (feet)	Available (feet)
Outbound Right Turn	530	800-plus
Outbound Left Turn	610	665
Following Inbound Left Turn	495	535

As shown in Table 2, the available sight lines for both inbound and outbound movements exceed the minimums recommended for the 55-mph design speed applied. There is vegetation that restricts sight lines in both directions (ground-level branches on a tree to the northwest and a bush on the inside of the curve to the southeast). Trimming of this vegetation would increase sight lines and ensure adequate visibility when drivers are substantially exceeding the 50-mph speed limit.

A neighbor expressed concerns that sight distance standards ignore the fact that drivers' reaction times will be impaired after drinking too much wine. However, it is noted that wineries are responsible for monitoring the consumption of alcohol on their premises and law enforcement officials are responsible for the enforcement of driver behavior. W-Trans explains that engineering studies are based on the typical conditions of the land use, roadways and motorists. Many wineries and the industry wide event encourage the use of designated driver. Also, during tasting packaged food is provided and during events meals are provided.

Recommendations: Vegetation along Dry Creek Road that limits sight lines should be trimmed if permission can be obtained from the appropriate property owners. Landscaping and vegetation along the frontage should be kept out of sight lines or have a height of less than three feet or be above seven feet for tree canopies.

Left-Turn Lane Warrants:

W-Trans evaluated the need for left-turn channelization in the form of a left-turn pocket on Dry Creek Road based on criteria contained in the Intersection Channelization Design Guide, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans Highway Design Manual.

For this analysis, W-Trans conservatively assumed that all project related traffic would access the site via northbound left turns, as this condition represents the greatest potential need for a left-turn pocket. Although agricultural promotional events would not typically start during a peak hour, to evaluate worst case conditions, inbound trips to a maximum-sized event were used along with volumes during the peak hour. Even using this conservative approach, W-Trans concluded a left-turn lane is not warranted.

DTPW commented that recommendations made in the study are based on peak hour volumes rather than daily volumes and W-Trans based the turn lane calculation on the more conservative in-bound event traffic and weekday p.m. peak volume.

W-Trans also conducted a "sensitivity analysis" to determine at what point a left-turn lane would be warranted. Based on weekend midday peak hour volumes, it was determined there would need to be

about 203 vehicles turning left from Dry Creek Road to the proposed project during a single hour before a left-turn pocket would be warranted.

Furthermore, W-Trans determined that based on the evaluation performed as well as the lack of left-turn pockets for the majority of wineries on Dry Creek Road, as well as at the interchange with US 101, a left-turn pocket is not recommended (Refer to Appendix D- Left-Turn Lane Warrant spreadsheet).

W-Trans' Conclusions and Recommendations:

Conclusions:

- Dry Creek Road is currently operating at LOS A during the evening peak hour, and is expected to operate at LOS B with project trips added.
- The proposed winery is expected to generate an average of 50 new daily trips and a maximum of 46 hourly trips during a special event.
- An additional 250 trips per hour could be added along this section of Dry Creek Road while maintaining acceptable LOS C operation during either the weekday p.m. peak hour or the weekend midday peak hour. The project added trips, as well as those from multiple simultaneous special events, would therefore have a less-than-significant impact.
- Sight distance at the location of the existing driveway is acceptable in both directions as well as for vehicles traveling on Dry Creek Road.
- A left-turn pocket is not warranted on Dry Creek Road at the existing access driveway with the addition of the project, even under conservative assumptions.
- Parking as proposed is expected to be adequate to serve all proposed site uses.

W-Trans Recommendations

- Any landscaping or signs placed near the project driveway should be either low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained.
- Right-of-way along the project site's frontage on Dry Creek Road should be dedicated as necessary to provide adequate width for the planned future bike lane.

Parking:

Two separate public parking areas would be established; one just east of the seasonal creek with 10 parking spaces, and one adjacent to the wine tasting room with three standard parking spaces and one handicap- accessible parking space. An additional parking area will be located near the south end of the fermentation building, used for truck and employee parking. Special event parking is proposed to be directed to existing vineyard avenues.

The project would require approximately six on-site spaces per County Code requirements for the wine tasting room and an additional seven spaces for the warehouse/wine storage building. The applicant proposes to provide 14 on-site parking spaces. This number technically would exceed Code requirements. However, the County Code does not specially address holding of special events and the resultant parking demand. The project traffic study and acoustical study both assumed as many as 100 guests and 4 employees would be at the site during special events. Some of these events could be held while the wine tasting room is open, also adding to the parking demand. Assuming approximately 2 guests per vehicle for a 100-person event and 4 employees, an on-parking demand of approximately 54 spaces would result.

The parking lot is designed to hold 14 vehicles, leaving a parking “shortfall” of approximately 39 spaces during larger special events. (Note: the applicant’s traffic study suggests an average of 2.5 guests per vehicle; this would result in a demand for 40 guest parking spaces, not including employee parking. Staff finds that a more conservative estimate of 2 guests per vehicle is appropriate for the purposes of ensuring adequate on-site parking is available.) However, the applicant has prepared an “Overflow Parking Plan” which depicts event parking would also utilize spaces between the vineyard rows on the north-side of the parcel. Additional spaces may be available by the receiving area by the winery building, collectively meeting project special event parking needs. Providing overflow parking in the vine rows is commonly done with other approved winery facilities during the larger events. The project site is large in size and has the ability to accommodate on-site parking. During the larger agricultural promotional events, two parking attendants are required to be on duty to assist with guest parking and parking on private or public roadways is prohibited (Refer to Exhibit A, Conditions No.91 and 92).

Issue # 6: Seasonal stream

A seasonal stream crosses the front half of the parcel leading to Dry Creek. The existing driveway crosses the seasonal stream via an existing culvert. The existing driveway is used by grape trucks exporting grapes off site for processing and by employee vehicles for vineyard maintenance. The seasonal stream was included in the new Riparian Corridor Protection Ordinance that went into effect on December 25, 2014. In February 2015, revisions were made to the original Site Plan in order to depict the winery building located outside of the 50-foot setback required for this stream under the new Ordinance.

According to the project’s engineer, the existing driveway and stream crossing would have to be widened and improved in order to meet commercial standards required for the project. Also, a foot bridge over the stream is proposed for pedestrian traffic from the front parking area to the winery and tasting room building.

The General Plan contains the following policies to preserve riparian habitat:

“OS-5h: Roadway construction should seek to minimize damage to riparian areas.”

“CT-1k: Where practical, locate and design circulation improvements to minimize disturbance of biological resource areas and destruction of trees.”

The seasonal creek transverses the entire width of the project site so there is no other alternative driveway location that wouldn’t require a stream-crossing. Using the existing driveway off of Dry Creek Road for the winery project is appropriate since it’s used for the vineyard operations and existing vineyard traffic. Even if the winery development was pushed forward, the stream crossing would be maintained for the existing vineyard operations. Also, relocating the winery building to the front portion of the parcel would push it into the Scenic Corridor setback which is to be avoided, if possible.

A referral was sent to the North Coast Regional Water Quality Control Board and State Department of Fish and Wildlife who responded that any activity or change to the bed of a stream may require a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) pursuant to the Fish and Game Code. Widening and improving the existing driveway over the seasonal stream will require permits from these two state agencies. The applicant’s engineers at Atterbury & Associates have met with Regional Board staff and are working on the permit application materials. Therefore, besides a Grading permit from PRMD with implementation of Best Management Practice and re-planting riparian vegetation and trees along the stream-bed, the applicant must obtain all applicable permits from the State Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board.

Issue # 7: Aesthetics

The project site includes SR (Scenic Resource) designation typical for parcels in the Dry Creek Valley. The General Plan (Policy OS-1e) requires new structures along Scenic Corridors and Scenic Landscape Units meet the following criteria: structures shall be sited below exposed ridgelines, structures shall use natural landforms and existing vegetation to screen them from view from public roads, on exposed sites,

screening with native, fire resistant plants may be required, cuts and fills are discouraged, and where practical, driveways are screened from public view, and utilities are placed underground where economically practical.

In addition the following General Plan Scenic Landscape Policy OS-2C applies to the proposed project:

1. Site and design structures to take maximum advantage of existing topography and vegetation in order to substantially screen them from view from public roads.
2. Minimize cuts and fills on hills and ridges.
3. Minimize the removal of trees and other mature vegetation. Avoid removal of specimen trees, tree groupings, and windbreaks.
4. Where existing topography and vegetation would not screen structures from view from public roads, install landscaping consisting of native vegetation in natural groupings that fit with the character of the area in order to substantially screen structures from view. Screening with native, fire retardant plants may be required.
5. Design structures to use building materials and color schemes that blend with the natural landscape and vegetation.
6. On hills and ridges, avoid structures that project above the silhouette of the hill or ridge against the sky as viewed from public roads and substantially screen driveways from view where practical.
7. To the extent feasible, cluster structures on each parcel within existing built areas and near existing natural features such as tree groupings.

Additionally, Policy OS-3c requires a structural setback of 30% of the lot depth (to a maximum 200 feet) measured from the centerline of Dry Creek Road to help ensure an open scenic landscape along the Scenic Corridor.

Staff analysis: The project site is located on the valley floor on the west side of Dry Creek Road, below any ridge lines. The winery building would be set back approximately 300 feet from Dry Creek Road, located outside of the Scenic Corridor setback. Building height would vary depending upon use area, but would generally be 35 feet, with higher elements at the gable roof peak and turret extending 44 feet in height. In the LIA zoning, maximum height limits are 35 feet or 50 feet for agricultural buildings. The single winery building height is shown as a heights ranging from 42- 44 feet due to architectural features. The winery building is an agricultural building since all wine production, processing, storing, and aging will be done indoors.

On May 16, 2007, the Design Review Committee completed preliminary design review and since this time there have been no changes to the original winery building design or elevations. The DRC may allow for additional height, but in no case can the building height exceed 50 feet. DRC made the following recommendations:

ARCHITECTURE

1. *Reduce reflectivity of the metal roof.*

LANDSCAPE ARCHITECTURE

1. *Use native plantings along the seasonal creek where appropriate*
2. *Provide substantial landscape screening for the fermentation, storage and, crush portion of the winery building*
3. *Cluster redwoods to provide screening of taller portion of building*
4. *Focus exotic plant species in certain areas near the tasting room.*

5. *Utilize landscaping that compliments the building.*
6. *Provide shade trees around parking areas.*

LIGHTING

1. *Lighting and signage to be brought back to Design Review Committee prior to building permit issuance.*
2. *All lighting to be down cast and fully shielded.*

Revisions were done to the original landscape plan in the large outdoor event area to use decomposed granite instead of grass to reduce water usage. Conditions require final design review approval from the Design Review Committee prior to any grading permit issuance must approve final building elevations, color, and design as well as landscaping, irrigation, exterior lighting, and signage plans (refer to Conditions No. 76).

Issue # 8: Dry Creek Valley Citizens Advisory Committee

On August 15, 2013, the Dry Creek Valley Citizens Advisory Committee reviewed the request to reactivate the previously approved Use Permit recommending the request be denied based on changed circumstances surrounding the project location. They commented that multiple new wineries and tasting rooms have been permitted in the immediate area since the original project approval. The DCVCAC also stated in the minutes that the county should not approve a Use Permit when the applicant has outstanding, non compliance issues at other winery sites (refer to Exhibit K). The applicants did not attend this meeting.

Issue # 9: Letters from Neighbors

Staff has received several letters from public. One letter states the winery is not an issue, but recommends that any events be limited to only industry-wide events because there is a concern the winery site is more of an event center. Other letters oppose the project because there are so many wineries and tasting rooms in Dry Creek Valley and have concerns of a water shortage, and increases in traffic and noise. A recent letter from the property owners to the south have concerns there is not enough event parking for guests and the noise from forklifts in using the existing building as barrel storage. Two of the letters stated a Use Permit should not be granted since the applicants have a history of non compliance with their other winery facilities, with one of the letters specifically referencing Soda Rock Winery on Highway 128 in Alexander Valley. The County typically does not issue further entitlements or permit approvals when there are recorded code violations on the same property. There are no code violations on the project site.

STAFF RECOMMENDATION

Staff recommends that the Board of Zoning Adjustments adopt the Revised Mitigated Negative Declaration and approve the request to reactivate a previously approved Use Permit and Design Review under the Economic Stimulus Ordinance (Ord. No. 5929) for a winery and public tasting room (single building approx. 17,000 square feet) and conversion of the existing barn (approx. 3,400 square feet) to barrel storage with a 25,000 case maximum annual production capacity, to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two charitable benefit dinners with 100 guests, and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan objectives to facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories (Objective AR 5.1). Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a Use Permit in the LIA zoning district. The project is consistent with General Plan Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. Tasting rooms, agricultural promotional events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with Policies AR-6d, AR -1a, AR-4a, and AR-6a.
2. The primary potential land use conflicts associated with the proposed use for agricultural promotional events is exterior lighting, traffic, and noise and conditions have been incorporated into the project to reduce potential impacts to a less than significant level. Similar to findings made on recently approved projects, adding more winery and tasting room along Dry Creek Road does not result in an overconcentration because the project generated traffic will not result in road access conflicts and would not exceed the level of service for Dry Creek Road. And, unlike other rural roads in agriculturally-zoned areas, Dry Creek Road is a wide, well-maintained County roadway. In addition, the project site is located in a Zone 1 water area and the building design is in character with the rural area. Here, the project is being considered under the Economic Stimulus Ordinance No. 5929 because the project was previously approved in 2007, with an extended approval in 2009, and since then only one winery and tasting room (UPE11-0088-Rued) has been approved in the immediate area on Dry Creek Road. The Zoning Ordinance does not limit the number of agricultural promotional events allowed on agricultural zoned parcels. The average number of approved events at wineries in Sonoma County is 17. The total number of agricultural events proposed at this winery site is below the County-wide average and below that of a recently approved winery (UPE11-0088 – Rued) in the immediate area also located on Dry Creek Road.
3. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows the following under Section 26-040-020 (i) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries, which are a marketing tool that promotes wines produced at the winery. Project conditions of approval prohibit the winery facility from being rented out to any third-party contracts.
4. The project is consistent with the Land Conservation Act because: 1) the project will be supportive of agricultural use on site and in the local area due to the processing facility's enhanced capabilities which would process more grapes than is currently possible; 2) the project would not affect the agricultural use on adjacent properties; 3) the property will continue to be devoted to agricultural use because well over fifty percent of the property is planted in vines; 4) all other uses, including the winery, barrel storage, tasting room, associated parking, landscaping and outdoor activity area, are compatible with the agricultural use of the property and are consistent with the Williamson Act's principles of compatibility and the County's Uniform Rules for Agricultural Preserves, and will collectively occupy no more than 5 acres to ensure that they remain incidental to the primary use of the land for agriculture; 5) displacement of vines will be limited to 1.5 acres, and 0.64 acres of vines will be replanted on site, resulting in less than one acre of vines removed, ensuring a less than significant net loss of usable agricultural area ; 6) operation of a tasting room with two weddings and other agricultural promotional events is consistent with the Williamson Act because they are marketing tools to help sell wine produced

- on-site and ensure the long term viability of the vineyard and winery; 7) no permanent structures solely devoted to wedding or other agricultural promotional event activities will be constructed on the site, no special event will last more than two consecutive days, and overnight accommodations will not be provided in conjunction with any special event; and 8) the two weddings, two charitable benefit dinners, and twelve agricultural promotional events are annually limited in number, duration, and scope to ensure that any increase in the temporary human population drawn to the site will not hinder or impair agricultural operations.
5. Based upon the whole record (including the Initial Study and all comments received) there is no substantial evidence that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant. The Revised Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
 6. The establishment, maintenance or operation of the use for which 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 neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: exterior lighting must be low mounted, downward casting and fully shielded to prevent glare, lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated, Dry Creek Road is adequate to support the use; the project will not compromise agricultural capability because the proposed use is related to agriculture, mitigations have been incorporated into the project to ensure that noise from construction, winery, and event activities meet the Daytime Noise limit standards established in the General Plan, with limited hours of event activities, and the conditions placed on the project to control noise. Other project related circumstances include that the project will not create a detrimental concentration of visitor-serving and recreational uses because project generated traffic will not result in road access conflicts and would not exceed the level of service, the project site is in an Area 1 water area, the use will be minimal and not detrimental, and the project meets the Scenic Landscape designation criteria, the winery building is located outside the 200-foot Scenic Corridor setback, and the building design will not be detrimental to the rural character of the area.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Proposal Statement
- EXHIBIT C: Vicinity Map
- EXHIBIT D: Aerial Plan
- EXHIBIT E: Overall Site Plan
- EXHIBIT F: Building Elevation/Floor Plan
- EXHIBIT G: Building Floor/Landscape Plan
- EXHIBIT H: Overall Septic System Plan
- EXHIBIT I: 2007 and 2009 PRMD Notices, Approval letters and Conditions of Approval
- EXHIBIT J: Economic Stimulus Ordinance No. 5929, adopted April 12, 2011
- EXHIBIT K: Minutes of the DCVCAC dated August 15, 2013
- EXHIBIT L: Letters from the public
- EXHIBIT M: Photos
- EXHIBIT N: Updated 2015 Traffic Impact Study prepared by W-Trans on February 5, 2015
- EXHIBIT O: Addendum Noise Letter from Ilingworth & Rodkin Review of Revised Site Plan, dated February 5, 2015, Revised Noise Study prepared by Ilingworth & Rodkin, dated October 9, 2014, and Noise Study prepared by Ilingworth & Rodkin, dated May 13, 2014

EXHIBIT P: Draft Resolution

Separate Attachment for Commissioners: Revised Mitigated Negative Declaration with Traffic and Noise studies, and other attachments.

Draft Conditions of Approval

Date: February 19, 2015 **File No.:** PLP05-0062
Owner: Kenneth and Diane Wilson **APN:** 090-200-008
Address: 4304 Dry Creek Road, Healdsburg

Project Description: Request to reactivate a previously approved Use Permit and Design Review under the Economic Stimulus Ordinance (Ordinance No. 5929) for a winery and public tasting room (single building approximately 17,000 square feet) and conversion of the existing barn (approximately 3,200 square feet) to barrel storage with a 25,000 case maximum annual production capacity, to include public tasting, retail sales, sixteen agricultural promotional events per year including (twelve with 80 guests, two weddings per year with 100 guests, two charitable benefit dinners with 100 guests), and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. For a total of 24 event days with combined agricultural promotional events and industry wide events. The project site is under a Prime Land Conservation Contract (Williamson Act Contract).

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

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,181.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,231.25 made payable to Sonoma County Clerk** and submitted to the Permit and Resource Management Department (PRMD). If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

BUILDING:

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.
4. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.

GRADING AND STORM WATER:

"The conditions below have been satisfied BY _____ DATE _____

5. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
6. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the

State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

7. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
8. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
9. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.
10. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Any waste water conveyance system shall not be allowed to be combined with the storm water conveyance system.
11. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.
12. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
13. Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.
14. Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation the lowest structural component.
15. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water

Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

16. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.
17. The applicant is responsible to contact the California Department of Fish & Wildlife and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for the proposed project.

HEALTH:

"The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

18. Prior to building permit issuance the applicant shall have the proposed water supply system evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2010 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

If the applicant has been required to do a cross-connection control survey by the California Department of Public Health, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

19. Prior to building permit issuance and vesting the Use Permit, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform), arsenic and nitrate analysis results of a sample of the winery/wine tasting well water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:
 - a. A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a condition of this Use Permit in order to meet State and Federal MCL's and provide potable water to all plumbing fixtures.
 - b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.
20. Prior to the issuance of building permits the applicant shall provide an engineered design of the water supply system, construct and/or develop the water sources (wells and/or springs), complete the appropriate water quality testing and apply for a water supply permit from the State Drinking Water Program because it has determined that more than 25 persons per day for 60 days within a year will be served by the water system. A copy of the Use Permit application and conditions must be provided to the State Drinking Water Program in order to obtain appropriate raw water source sampling requirements.

(This process should begin as soon as possible, as the application, plan check and sampling will take some time.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD.

21. If a Water Supply Permit is required, then the water supply well is required to have a 50-foot annular seal prior to vesting the Use Permit. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50-foot annular seal cannot be obtained, then a new water well may be required.
22. Prior to the issuance of any building permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by PRMD Project Review staff and County Counsel prior to recordation.

Septic:

23. Prior to building permit issuance and vesting the Use Permit, the applicant shall obtain a permit for the sewage disposal system. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system, and shall include the required reserve area.

This project is approved for agricultural promotional events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100 % percent of the wastewater flow from an event with 50 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system, including the 6 employees listed in the traffic study.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

24. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance). A copy of the Waste Discharge Permit shall be submitted to the Project Review Health Specialist prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.
25. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of any existing wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel special events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate special events shall be 100% of 50 guests.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental

sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

26. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

Consumer Protection:

27. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

If the project will operate under a Wine Tasting Room Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
- b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
- c. Note that this Use Permit requires that if any of the following items are new or replacement installations they shall be built to CalCode standards: all flooring, counter tops, restrooms and sinks in the food or beverage service area. The goal is to minimize the need to replace new materials when a small change in the menu triggers the need for a Food Facility permit.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions. An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Noise:

28. NOTE ON GRADING, IMPROVEMENT, AND BUILDING PLANS: Construction activities associated with this project shall be restricted as follows:
 - a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
 - b. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
 - c. There will be no start up of machines nor equipment prior to 7:00 a.m., Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m. nor

past 7:00 p.m., Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.

- d. Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of each building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: PRMD staff shall ensure that the note listed above has been placed on all grading, building or improvement plans associated with the winery development prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

- 29. Prior to building permit issuance, the final design and location of the noise-generating mechanical equipment shall be reviewed and cleared by a professional sound consultant to ensure compliance with Table NE-2 in Condition #42. A letter from the professional sound consultant shall be included with the Building permit application for the winery building and a copy provided to the Project Review Environmental Health Specialist and Project Planner.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until the letter from the professional sound consultant approving the noise-generating mechanical equipment and location has been submitted to PRMD.

Solid Waste:

- 30. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance.

PRIOR TO OCCUPANCY:

Noise:

- 31. Prior to final or temporary occupancy approval of the winery and tasting room building, a professional sound consultant shall work with the project construction manager or electrician to oversee the installation of the winery's amplification equipment systems to ensure they have been properly fitted with a sound limiter(s), including personal computer speakers. Sound limiter(s) shall be correctly fitted ensuring that the Daytime Noise Standards will not be exceeded with any use of amplified music or sound, either indoors or outdoors at the winery site, including the tasting room. This restriction does not apply to personal listening devices used by employees.

Mitigation Monitoring: Prior to final or temporary occupancy approval by PRMD of the winery building, a professional sound consultant shall submit letter to the Project Review Environmental Health Specialist and Project Planner at PRMD confirming that the winery's amplification equipment

system(s) has been correctly fitted with a sound limiter(s) ensuring that the Daytime Noise standard of the General Plan would not be exceeded with the use of amplified music or sound either indoors or outdoors at the winery site, including the tasting room.

Water:

32. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the PRMD Project Review Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

33. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
34. A safe, potable water supply shall be provided and maintained.
35. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
36. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

Septic:

37. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
38. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
39. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
40. When permitted agricultural promotional events exceed 150 persons, the permit holder shall provide portable toilets meeting the following minimum requirements:
 - a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.
 - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment

system or public sewer.

- c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
- d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
- e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
- f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the agricultural promotional event and at future agricultural promotional events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 1. The holding tank does not leak or overflow.
 2. Toilet paper is promptly replaced when the dispenser runs out.
 3. Water, paper towels and soap are promptly replaced when the hand washing units run out.
 4. The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
 5. Reliance upon portable toilets shall not create a public nuisance.

Consumer Protection:

41. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting and agricultural promotional event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages. Contact the Environmental Health & Safety Section at 565-6547 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health & Safety Section at 565-6548 for further information regarding caterers. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

Noise:

42. Noise shall be controlled in accordance with Table NE-2 as adjusted below and Policy NE-1c of the Sonoma County General Plan as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Residence 1 Daytime (7 a.m. to 10 p.m.)	Residence 2 Daytime (7 a.m. to 10 p.m.)
L50 (30 minutes in any hour)	45	47
L25 (15 minutes in any hour)	50	55
L08 (4 minutes 48 seconds in any hour)	55	60
L02 (72 seconds in any hour)	60	65

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. Table NE-2 was adjusted upward a maximum of 5 dBA at residence 2 due to high ambient conditions and then Table NE-2 was reduced at all locations by 5 dBA due to events consisting of speech and music.

Hourly Noise Metric ¹ , dBA	Residence 1 Nighttime (10 p.m. to 7 a.m.)	Residence 2 Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	45	45
L25 (15 minutes in any hour)	50	50
L08 (4 minutes 48 seconds in any hour)	55	55
L02 (72 seconds in any hour)	60	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour. Table NE-2 was not eligible for nighttime adjustments due to low ambient levels and no nighttime events are allowed.

43. Agricultural promotional events shall be limited to the hours of the Daytime Noise Standard noted above (currently 7:00 AM to 10:00 PM). Event guests shall exit the site by 9:00 pm. Clean up shall be completed and employee shall exit the site by 10:00 p.m. Industry-wide events shall be limited to the approved tasting room hours. No overnight accommodations are authorized by this Use Permit.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that events are being conducted past 9 p.m., or cleanup is occurring after 10:00 p.m, PRMD staff would investigate the complaint and if the condition is violated the Use Permit may be subject to modification or revocation proceedings, as appropriate.

44. For winery operations nighttime truck deliveries are not allowed between 10 PM and to 7 AM. The mobile bottling truck shall be parked behind the winery building with the rear of the bottling truck oriented to the west away from sensitive receptors (neighboring residences). Outdoor crush or bottling activities shall only occur during the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). During bottling activity, the rear of the bottling truck shall be oriented to the west, away from the nearest residence to the east. Trucks for winery operations shall only use the south driveway. No winery truck traffic is allowed on site with trailers or semi-trailers with kingpin to rear axle lengths exceeding 38 feet.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures, if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

45. Any use of the amplified music or sound, indoors or outdoors, in conjunction with the tasting room use, weddings, charitable dinners, agricultural promotional events, or industry wide held at the winery site shall be limited to only using the amplification equipment system(s) fitted with a sound limiter(s).

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

46. The use of quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) is allowed outdoors at the winery site when in compliance with the Noise Element of the Sonoma County General Plan. The use of very loud non-amplified musical instruments (such as horns, drums and cymbals) is not permitted outdoors at the winery site under any circumstance.

Mitigation Monitoring: If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

Solid Waste:

47. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

48. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
49. A "Designated Smoking Area" may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

50. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width as necessary to create public right-of-way a total of thirty (30) feet wide on the

Developer's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Dry Creek Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.

51. Right-of-way shall be dedicated as roadway easement. The Developer shall have prepared an easement deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. The deed shall be recorded prior to clearance of this condition.
52. The Developer shall construct or install improvements described as follows:
 - a. Supplement the width of Dry Creek Road in the northbound direction to create the improved roadway described below. The maximum improved road width, measured between the roadway centerline and the new easterly edge of pavement, is 20 feet. The improvements shall include:
 1. A twelve (12) foot wide travel lane;
 2. A minimum 100-foot long, eight (8) foot wide paved shoulder, centered on the extension of the center of the Developer's new driveway entrance;
 3. Paved tapers at both ends of the widening; the taper length shall be based on Caltrans design requirements for left-turn lane approach tapers and a design speed of 30 miles-per-hour.
 4. Two (2) foot wide shoulder backing as needed along the new edge of pavement.
 - b. The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, re-striping, drainage facilities, metal beam guardrail, overhead utilities relocation, etc, all as necessary to create the required widths and structural section(s).
53. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall be submitted with the first set of improvement plan check prints. The pavement design for Dry Creek Road shall be based on a Traffic Index (TI) of 10.0. A soils report for public road purposes is not required for a design based on an R-value of 5.0.
54. To allow for the smooth and safe movement of passenger vehicles and single-unit trucks entering and exiting the public road that provides access to the property, the Dry Creek Road entrance shall conform to AASHTO recommendations. More specifically, the Developer shall construct a driveway meeting the following criteria:
 - a. A minimum paved throat width of 24 feet;
 - b. Entrance curves having a minimum pavement radius of 40 feet; the entrance curves shall begin on a line that is 20 feet distant from, and parallel with, the physical centerline of Dry Creek Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
 - c. The driveway shall enter Dry Creek Road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
 - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Dry Creek Road.
 - e. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the edge of pavement. The portion of the entrance located within the public right-of-way shall be paved to provide for a Traffic Index (T.I.) of 10.0.

- f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814 (www.sonoma-county.org/tpw/pdf/const_std/814.pdf), for private road and driveway intersection details.
 - g. The entrance improvements shall be in place prior to commencement of the approved activity.
55. Prior to issuance of building permits, a stabilized entrance for on-site construction activity shall be constructed to meet the following criteria:
- a. The entrance shall be of sufficient width to accommodate two-way traffic.
 - b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
 - c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with AASHTO requirements for the speed traveled on the public road(s) providing construction access.
56. To provide for the orderly and efficient movement of vehicles entering the site, and to minimize traffic impacts on the public road, the Developer shall provide on-site traffic control for all events requiring overflow parking. Traffic control shall be located off of the public road.
57. The Developer shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.
58. The Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24 inch by 36 inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
59. Plan checking fees and inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.
60. Prior to issuance of any building permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
61. Plans for all required improvements shall be submitted to the office of the County Surveyor in PRMD for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any grading permit for the project. Either the public road improvement plans shall be signed by the Director of DTPW prior to the issuance of a building permit or the Developer shall obtain signed approval from the Director of DTPW. The improvement plans shall be signed by the Director of DTPW prior to the issuance of an encroachment permit for public road improvements.
62. The Developer shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
63. Prior to occupancy of any new building or new use of an existing building which result from this application, the Developer shall complete construction of all the required public improvements.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

64. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building sites), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.
65. Prior to any construction, or changes in use, applicable Fire Code construction permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code shall be obtained from the Sonoma County Fire and Emergency Services Department.
66. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that applicable Fire Code Operational Permits required by Chapter 1, Division II of the California Fire Code as adopted and amended by Sonoma County Code will be obtained from the fire code official.
 - a. Tent Permit. The owner or occupant shall obtain a Fire Code Operational Permit for the erection of any temporary tents which exceed 400 square feet in area, or the erection of any temporary canopies (open on all sides) which exceed 700 square feet in area, each time such structures are erected.
67. Prior to Use Permit approval, applicant shall provide evidence to Sonoma County Fire that the fire service features for buildings, structures and premises will comply with the California Fire Code as adopted and amended by Sonoma County Code. Including but not limited to the following:
 - a. Access roads: Approved (CFC) fire apparatus access roads shall be provided.
 1. Facilities having a gross building area of more than 62,000 square feet shall be provided with at least two separate and approved fire apparatus access roads.
 2. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.
 3. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) not less than 20 feet in width (26 feet for aerial access) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of all buildings as measured by an approved route around the exterior of the building or facility.
 4. Where a bridge is part of a fire apparatus road the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Approved signs indicating the load carrying capability of bridges shall be provided at each end of bridges.
 5. Where gates or similar barriers are installed across access roads, gates shall be installed in compliance with fire regulations and provided with an approved lock as required by the fire code official.
 - b. Premises Identification: Approved road names, address numbers, building numbers and other building identification shall be provided.
 - c. Fire Protection Water Supplies: An approved (NFPA 1142 and/or CFC) water supply system capable of supplying the required fire flow for fire protection shall be provided to premises.
 1. Minimum fire flow shall not be less than 1500 gallons per minute.
 2. Fire hydrants shall be spaced not less than 500 feet apart along fire access routes.

- d. Emergency Responder Radio Coverage. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building.

- 68. Prior to any business operation, applicant shall provide evidence to Sonoma County Fire that the prevention, control and mitigation of dangerous conditions related to storage, dispensing, use and handling of hazardous materials will be in accordance with the California Fire Code as adopted and amended by Sonoma County Code.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

- 69. This Use Permit allows construction and operation of an 11,000 sq. ft. winery/fermentation barrel storage and 3,258 sq. ft. tasting room within a 17,000 sq. ft. building, and a 6,000 sq. ft. outdoor event area with a 25,000 case maximum annual production capacity, and conversion of an existing barn (approximately 3,200 sq ft.) to barrel storage to include public tasting and retails sales. This use permit allows a maximum of twelve agricultural promotional events per year with a maximum of 80 guests, two weddings per year with 100 guests, two agricultural promotional events/community benefit dinners with 100 guests, and participation in industry wide events totaling no more than eight event days per year with a maximum of 100 guests on the site at a time up to a maximum of 300 guests per day on 40 acres for a total of 24 event days with combined agricultural promotional events and industry wide events. Events shall not occur more than two consecutive days. All events shall promote the agricultural product grown or processed on site. The uses shall be conducted in compliance with the proposal statement, site plan, technical reports and other submittals as modified by these approved conditions of approval. The project site is under a Land Conservation Contract. The Use Permit does not authorize overnight accommodations or concerts. The winery facility shall not be rented out to third parties for events.

The single winery building comprises of the following uses:

- Fermentation & laboratory (approximately 5,284 square feet)
- Barrel storage (approximately 5,000 square feet)
- Office & Administration (approximately 2,028 square feet)
- Commercial kitchen (approximately 256 square feet)
- Tasting and retail (approximately 3,258 square feet)

Other site improvements:

- Outdoor special events area with outdoor wine bar (6,000 square feet).
- Outdoor Crush pad (1,600 square feet)
- Detached barrel storage building- conversion of existing barn (approximately 3,200 square feet)

- 70. The approved hours of operation are as follows:

- Winery: 6:00 a.m. to 5:00 p.m., Monday thru Saturday (non-harvest season) and 7:00 am to 10:00 p.m., 7 days per week (harvest season)
- Tasting room: 10:00 a.m. to 5:00 p.m., 7 days a week.
- Weddings: 1:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and cleanup shall be completed by 10:00 p.m.
- Ag Promotional Events: 2:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and cleanup shall be completed by 10:00 p.m.

Ag Promotional dinners: 6:00 p.m. to 9:00 p.m. Guests shall exit the project site by 9 p.m. and cleanup shall be completed by 10:00 pm

71. Employees: Five full-time employees, plus four seasonal employees during harvest.

Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP05-0062.

72. This Use Permit (PLP05-0062) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
73. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates, and to report the actual events from the previous year. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.

PRIOR TO GRADING OR BUILDING PERMIT ISSUANCE

Planning Fees:

74. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
75. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.

Design Review:

76. Prior to issuance of any grading permit for the winery development project, the Design Review Committee shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements. The building plans shall depict the building height elevations and design with building heights no higher than the range of 42 feet to 44 feet in height, as approved by the Design Review Committee on May 16, 2007. Any landscaping or signs placed near the project driveway should be either low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained. Furthermore, the applicant shall comply with the recommendations listed on the DRC Action Sheet, dated May 16, 2007, and any subsequent DRC recommendations.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify exterior building colors, landscape improvements, signage, and exterior lighting have been installed in accordance with approved plans.

77. Prior to issuance of final occupancy on any related building permit, landscape planting and irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor

must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

78. Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties or the night sky. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit for the winery building until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and, if warranted, require the property be brought into compliance or initiate procedures to revoke the permit.

79. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural) standards from Title 24 effective October 2005.

Other Requirements:

80. Prior to issuance of any grading or building permit, the applicant shall obtain all necessary permits or waivers for the proposed work in or near a waterway, specifically, the stream crossing necessary for the project's driveway and pedestrian bridge. Any stream crossing requires plans prepared by a Registered Civil Engineer. Besides a grading permit from PRMD, all applicable permits must be obtained from the State Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) and the North Coast Regional Water Quality Control Board for a 401 Water Quality Certification (401 Certification) 404 Permit. The applicant shall implement the following Best Management Practices with any work in or near the stream, and the following:
- a. Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.
 - b. Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation the lowest structural component.
 - c. For any culvert or bridge crossings, silt fencing shall be installed prior to any grading activities. Silt fence consists of synthetic filter fabric (also called a geotextile)] and shall be installed around the periphery of the work area with openings provided for construction crew and equipment access only. This temporary fencing will prevent construction debris from entering the streambed.
 - d. Proper erosion control and other water quality Best Management Practices (BMPs) shall be implemented to avoid sedimentation and disturbance in the streambed and downstream.
 - e. All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and in a manner that will prevent potential runoff of petroleum products into the adjacent streambed. During construction, oil-absorbent and spill containment materials shall be on site at all time. All construction workers shall be properly trained and informed of how to use and where to find on site the oil-absorbent and spill-containment materials. Following construction each day, trash and construction debris shall be removed from the stream crossing area.

- f. Following construction each day, trash and construction debris shall be removed from the stream crossing area.
- g. Only the minimum amount of vegetation will be pruned or removed that is necessary to install the culverts or bridges at the stream-crossing. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Root systems shall only be unearthed when necessary.

Mitigation Monitoring: PRMD shall not issue any grading or building permits, until the applicant has provided copies of all required permits from the State Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board, and any documentation deemed necessary by the Grading & Storm Water Section of the Permit and Resource Management Department.

- 81. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
- 82. 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 fifty (50) years of age including trash pits older than fifty (50) 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."

Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans.
- 83. 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). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. See form PJR-091 on PRMD's website <http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>.

Construction Phase Requirements:

- 84. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:

- a. Water all active construction areas at least twice daily
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- e. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
- f. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
- g. Limit traffic speeds on unpaved access roads to 15 mph.
- h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- i. Replant vegetation and ground cover in disturbed areas as quickly as possible. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. The following dust control measures shall be followed during construction:

Mitigation Monitoring: If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it's determined by PRMD staff that complaints are warranted, the Permit Holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

85. The following Note shall be placed on Grading and Building Plans:

"During all construction activities, any storage of flammable liquids shall be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. In the event of a spill of hazardous materials the Project Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters. During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code. A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains. Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill. Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment."

Mitigation Monitoring: The Permit and Resource Management Department shall not issue a grading permit or building permit for the winery development until the above notes are printed on the building and grading plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

86. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.

87. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the dropline, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

PRIOR TO OCCUPANCY

88. Prior to final or temporary occupancy of the winery building, bicycle racks shall be installed near the parking lot (refer to the Sonoma County Parking Regulations –Zoning Code Sec. 26-86-010). One bicycle parking space be provided for every 5 spaces required for automobiles. Please use Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals (http://drusilla.hsrc.unc.edu/cms/downloads/BikePark_Guidelines.pdf).
89. For parking, the applicant shall maintain the two separate public parking areas, providing a total of fourteen standard parking spaces and one handicap accessible parking space to serve the winery and tasting room uses. First parking area would be located in the front portion of the project site, just east of the seasonal creek with 10 standard parking spaces. Second parking area would be located adjacent to the winery building adjacent to the tasting room with four standard parking spaces and one handicap- accessible parking space. An additional parking area will be located near the south end of the fermentation building, used for truck and employee parking. Overflow parking for the larger industry wide events would be along the existing vineyard roads as depicted on the Overflow Parking Plan. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.

OPERATIONAL REQUIREMENTS:

90. If pomace is to be disposed of, it shall be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
- Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints regarding objectionable odors from pomace stockpiling and/or disposal, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

91. Parking of vehicles and/or trucks associated with this winery facility is not permitted along any public or private roadways.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that vehicles and/or trucks associated with this winery facility are being parked along public roadways, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

92. For the larger industry-wide events and the two weddings, at least two parking attendants shall be on duty to direct and guide the on-site parking of guest vehicles. Parking attendants shall remain on duty throughout the duration of the events.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that parking attendants are not on duty during the larger industry-wide events and the two weddings, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

93. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

94. 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 26-92-120 and 26-92-140 of the Sonoma County Code.
95. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
96. **Two-Year Review.** A review of event activities under this Use Permit shall be undertaken by the director two (2) years after commencement of the first event to determine compliance with the Conditions of Approval applicable to events. The director shall give notice of this Use Permit review to all owners of real property within three hundred feet (300') of the subject site plus any additional property owners who have previously requested notice. The director shall allow at least ten (10) days for comment. If the director determines that there is credible evidence of non-compliance with the Conditions of Approval applicable to events or that event activities constitute a public nuisance, the director shall refer the matter to the Board of Zoning Adjustments for possible revocation or modification of the Use Permit with regard to events. Any such revocation or modification shall be preceded by a public hearing noticed and heard in compliance with the Zoning Code. This Use Permit review shall not include any other aspect of the original Use Permit approval, unless other Conditions of Approval have not been met, violations have occurred, or the use constitutes a public nuisance.
97. **Annual Report.** After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual

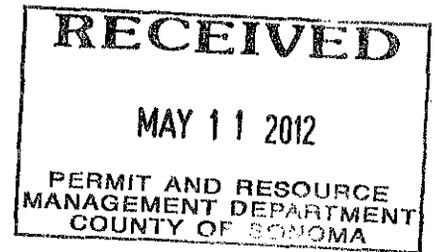
report shall also include the proposed events for the coming year.

98. **Customer and Site Visitor Management.** The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
99. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program.
100. **Customer and Site Visitor Management.** The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
101. **Staff Training.** Within 90 days from issuance of a Certificate of Occupancy or if no building permit is required, within 90 days of issuance of the Use Permit, all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. New owners, managers, and employees shall complete the training course within 30 days of the date of ownership or employment and every third year thereafter. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and presented upon request by a representative of the County.
102. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited. Table service, retail sales of cooked or prepared food or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
 - a. **Tasting Room:** Samples or tastes of pre-packaged non-potentially hazardous foods, such as crackers, nuts or other palette cleansers, featuring local foods and food products offered in conjunction with wine tasting.
 - b. **Ag Promotional Event Meals:** Prepared meals or appetizers featuring local foods and food products offered in conjunction with agricultural promotional events, such as weddings and winemaker dinners. Such meals/appetizers may be prepared in a food preparation area prior to serving as described on the approved project floor plan. The preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood. The outdoor pizza oven is not allowed.
 - c. **Food and Wine Pairing:** Food and wine pairing may occur in conjunction with industry-wide events only as proposed. Food and wine pairings shall be selected by the winery with no menu options allowed. Such pairing shall be limited to small appetizer-like portions
 - d. **Retail Sales:** Retail sales of pre-packaged food not associated with the activities described in a) and b) are allowed in conjunction with wine tasting subject to the following limitations:
 1. Retail sales of pre-packaged food featuring local foods and food products shall be permitted only during tasting room hours as approved by this Use Permit.
 2. Retail sales of pre-packaged food available for on-site consumption only.

3. No indoor seating area or table service is permitted in conjunction with retail sales of pre-packaged food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 4. No off-site signs advertising retail sales of pre-packaged food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
-
104. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
 105. In any case where a Use 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 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 26-92-130 of the Sonoma County Code.

May 8, 2012

Sonoma County PRMD
Traci Tesconi, Project Planner
2550 Ventura Ave.
Santa Rosa, CA 95403



Re: Reactivation request for PRMD file #PLP05-0062, 4304 Dry Creek Road, Healdsburg

This is a request for an extension of time on the request for a winery with a 25,000 case maximum annual production capacity with public tasting, retail sales, and 24 special events per year with a maximum of 100 guests per event located at 4304 Dry Creek Road. The request was first approved on June 15, 2007, and an extension of time was approved keeping the file active until June 15, 2010. I understand that on April 12, 2011, the Board of Supervisors adopted the "County of Sonoma Temporary Economic Stimulus Ordinance." The language in the Ordinance states: "Any land use entitlement which expired during calendar years 2010 or 2011 prior to the effective date of this section, may be granted reactivation by the Planning Director at his/her sole discretion, subject to public notice and opportunity for hearing before the authority which granted the original permit. The property owner/applicant must request reactivation by submittal of an application and payment of the time extension fee."

We plan on moving forward with the project and request that the Use Permit be reactivated. Attached to this request is a check in the amount of \$2,139.

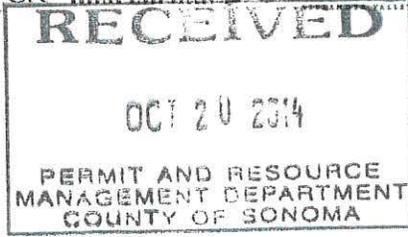
We appreciate your consideration in this matter and look forward to hearing from you about the next step in the process to reactivate our request.

Sincerely,

A handwritten signature in black ink that reads "Kenneth C. Wilson". The signature is written in a cursive style and is positioned above a horizontal line.

KENNETH C. WILSON

438 Matheson Street
Healdsburg CA 95448



Wilson Artisan Wineries
PO Box 487
Geyserville, CA 95441

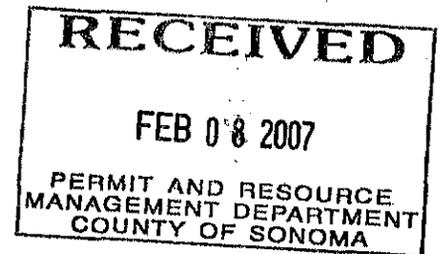
October 11, 2014

Dear Ms. Tesconi,

This letter is written to confirm that the overall project design as originally approved in June 2007, filed under PLP05-0062, has not changed. The original project Architect, Jeff Morse, and project Engineer, Atterbury & Associates remain as consultants on the project. The project remains the same including the building design and location, and other site improvements. We also intend to replant elsewhere on the project site .64 acres of the 1.5 acres of vines that have to be removed to accommodate the winery development. This results in only 0.86 acres of vines (less than 1 acre) that will need to be removed for the winery and tasting room project. The winery is being requested in order to process the grapes grown on site and the local area.

Signed,

Kenneth C. Wilson
Owner



Proposal Statement

The Wilson family proposes to establish a new 25,000 case winery with a tasting room on a 40 acre parcel at 4304 Dry Creek Road.

A total of 36 acres of vineyard is currently under cultivation. This fruit potentially can satisfy about ½ of the winery's annual production at full capacity. Additional fruit from other properties in Northern Sonoma County will be processed here.

The winery is set back from Dry Creek Road 300 ft. with a seasonal drainage in the foreground that provides natural riparian screening.

The building is proposed to be of the rustic barn genre with 16,987 sq. ft. of floor space. All winery functions are proposed to be under roof, from the harvest crush, barrel storage, administration offices and the tasting room.

Five full-time employees are anticipated plus four seasonal employees during harvest.

The normal working hours of the winery will operate from 8:00 am to 5:00 pm. However, during harvest the operating hours would be extended, as necessary, perhaps 7 days a week, 7:00 am to 10:00 pm.

The tasting room will be open daily from 10:00 am to 5:00 pm with visitor traffic averaging 25 cars per day, or up to 50 visitors per day.

The winery will participate in six industry-related events such as Passport, Winter Wineland and Barrel Tastings, similar to other wineries in of Dry Creek Valley. Catered food pairings with new released wines is the typical venue.

A total of 24 special events are planned, five of which will be hosted outdoors under covered in white canopy, with a maximum of 100 guests per event. Overflow parking shall be directed into the vineyard avenues. Portable facilities shall be provided beyond 100 guests.

A new on-site well shall supply the potable water. The property has been extensively investigated for the suitability for sub-surface disposal of the process and domestic wastewater. Two of the sites shall be used by the winery. Grape pomace shall be disked back into the soil as an amendment. Refer to the attached Summary.

Noise generated by the winery is anticipated to be minimal as other similarly sized facilities, as all of the winemaking functions shall be indoors, or under a canopy.

We anticipate a Dry Creek Valley appellation estate winery showcasing the very best the valley can offer.

PLANNING APPLICATION

PJR-001

File#: PLP05-0062 (CUP/DR)

Type of Application:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Admin. Cert. Compliance | <input type="checkbox"/> Design Review Comm./Ind. | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Ag./Timber Preserve | <input type="checkbox"/> Design Review Residential | <input type="checkbox"/> Mobile Home Permit | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Cert. Of Compliance | <input type="checkbox"/> Design Review Signs | <input type="checkbox"/> Ordinance Interpretation | <input type="checkbox"/> Zoning Permit |
| <input type="checkbox"/> Cert. Of Modification | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Second Unit Permit | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Coastal Permit | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Specific Plan Amendment | |
| <input type="checkbox"/> Design Review/Admin. | <input type="checkbox"/> Major Subdivision | <input checked="" type="checkbox"/> Use Permit | |

Applicant (Contact Person):

Atterbury & Associates, Inc.

Name
16109 Healdsburg Avenue, Suite D
Mailing Address
16109 Healdsburg Avenue, Suite D
City/Town State/Zip
433-0134 433-0135
Phone Fax
Thomas M. Atterbury 6-25-05
Signature

Owner, if other than Applicant:

Kenneth C & Diane M. Wilson

Name
438 Matheson Street
Mailing Address
Healdsburg CA 95448
City/Town State/Zip
433-6509 same
Phone Fax
Kenneth C. Wilson 1-31-05
Signature

Other persons to be notified: (Specify: Agent, Lender, Architect or Engineer)

<i>JEFF MORSE</i> Name 47-6th ST Mailing Address Petaluma CA 94952 City/Town State/Zip ARCHITECT Title 707 763 0152 Phone Fax	Name Mailing Address City/Town State/Zip Title Phone Fax	Name Mailing Address City/Town State/Zip Title Phone Fax
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Project Information:

4304 Dry Creek Road
Address(es)
090-200-008
Assessor's Parcel Number(s)
Healdsburg
City/Town
40 acres +/-
Acreage

Project Description: **Establish a new 25,000 case winery with a tasting room, lab and staff offices. An existing barn will be converted to barrel storage. 20 special events per year are proposed.**

with a maximum of 100 guests per event.

Site served by Public Water? yes no Site served by Public Sewer? yes no Number of new lots proposed na

DO NOT WRITE BELOW THIS LINE - To be completed by PRMD Staff

Planning Area: 3 Supervisorial District: 4 Current Zoning: LIA B620, Z General Plan Land Use: LIA 20
Specific Plan: n/a S.P. Land Use: n/a SR UOH Needs CEQA Review? yes no

Commercial/Industrial Uses: (Enter numbers where applicable)
Bldg. sq. ft. Existing: _____ Proposed: _____ Existing Employees: _____ New Employees: _____

Residential Uses: (Enter numbers where applicable)
New Single Family Homes: _____ New Multi-Family Units: _____ New Second Units: _____
New Manufactured Homes: _____ New Units for Sale: _____ New Units for Rent: _____ Density Bonus Units: _____

Violation? yes no Application resolve planning violation? yes no Penalty applicable? yes no Civil Penalty Factor N/A

Previous Files: None
Application Accepted By: Jaci Jensen Date: 6/29/05

Sonoma County Permit and Resources Management Department
2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-1103

*Ag Pres (1-30-72; 2603/739)
double check #'s hard to read on AP page*

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

USE PERMIT – SUPPLEMENTAL APPLICATION INFORMATION

Existing Site Characteristics:

Existing use of property: vineyards Acreage: 40 ac. +/-

Proximity to creeks, waterways and impoundment areas: Seasonal stream; Dry Creek frontage to the west

Vegetation on site: Vineyards; riparian habitat along Dry Creek frontage.

General topography: Gently sloping and flat from Dry Creek Road to Dry Creek.

Surrounding uses to
North: vineyard South: Vineyard & winery
East: vineyard West: Vineyard

New buildings proposed (size, height, type): winery building = 15,000 sf., 35' max. height

Number of employees (total): 5 f-t plus 4 seasonal during harvest

Operating days: Winery: Mon.-Sat.; Tasting: Sun.-Sat. Hours of operation: Winery: 6am-5pm (normal)
Tasting: 10-5pm

Number of vehicles per day: Refer to project description

Water source: New commercial well (proposed) Sewage disposal: Septic system(s)

Provider, if applicable: _____ Provider, if applicable: _____

Noise generated: Minor noise from winery equipment.

Grading required - Cut Max: TBD Fill Max: TBD
Fill area: _____ Approx. total yds: _____

Vegetation to be removed: some vineyard

Will proposal require annexation to a district in order to obtain public services?

Yes _____ No X

Are there currently hazardous materials (chemicals, oils, gasoline, etc.) stored,
used or processed on this site? Yes _____ No X

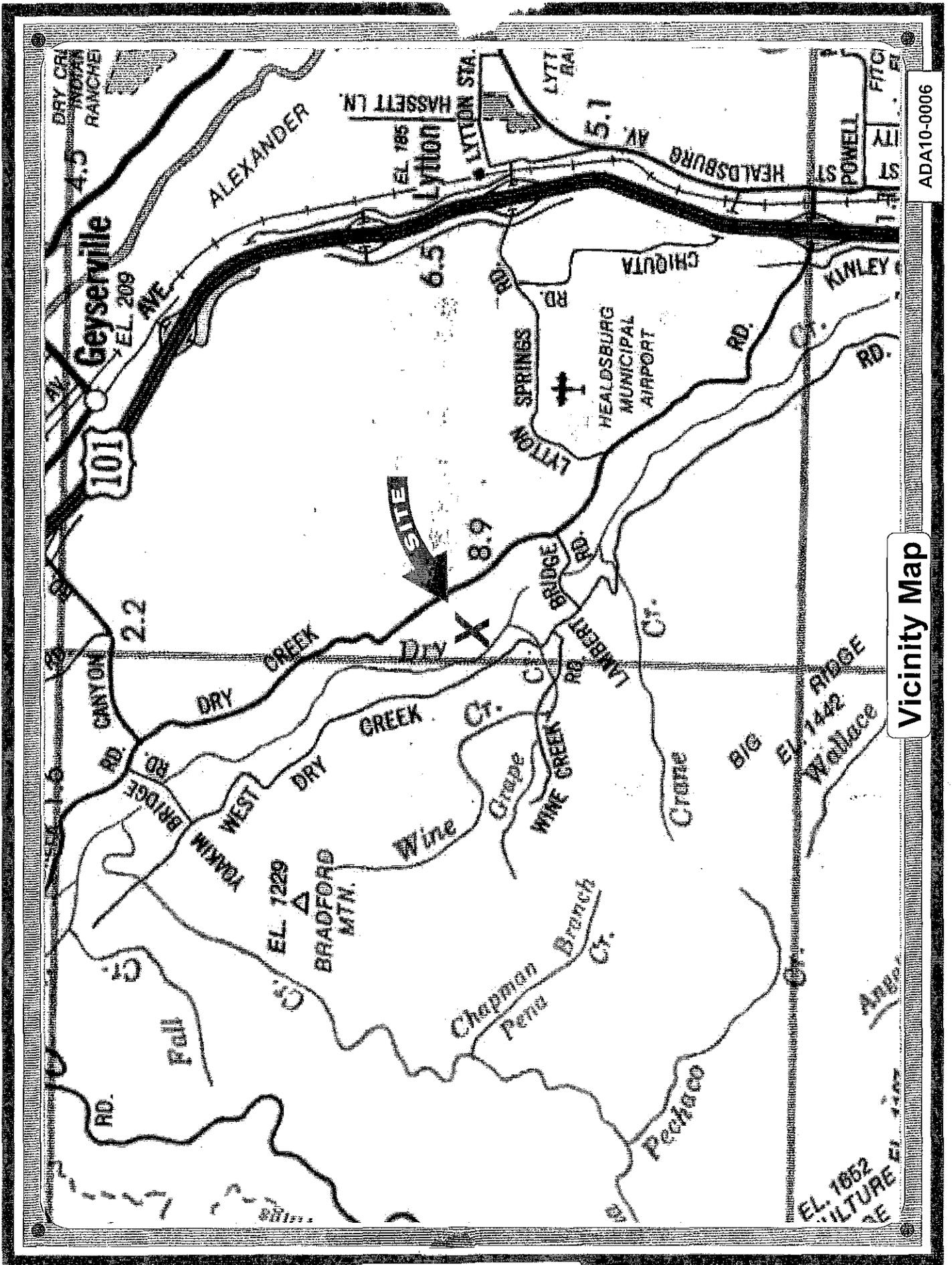
Were there any hazardous materials used, stored, or processed on this site any time in
the past? Yes _____ No X

Will the use, storage, or processing of hazardous materials occur on this site in the
future if this project is authorized? Yes _____ No X

Fire safety information (existing/proposed water
tanks, hydrants, emergency access and
turnaround, building materials, etc.):

**A new water tank, interior sprinklers
and exterior hydrant will be installed
along with all-weather access.**

ADDITIONAL INFORMATION: Refer to the attached Summary and site plan.

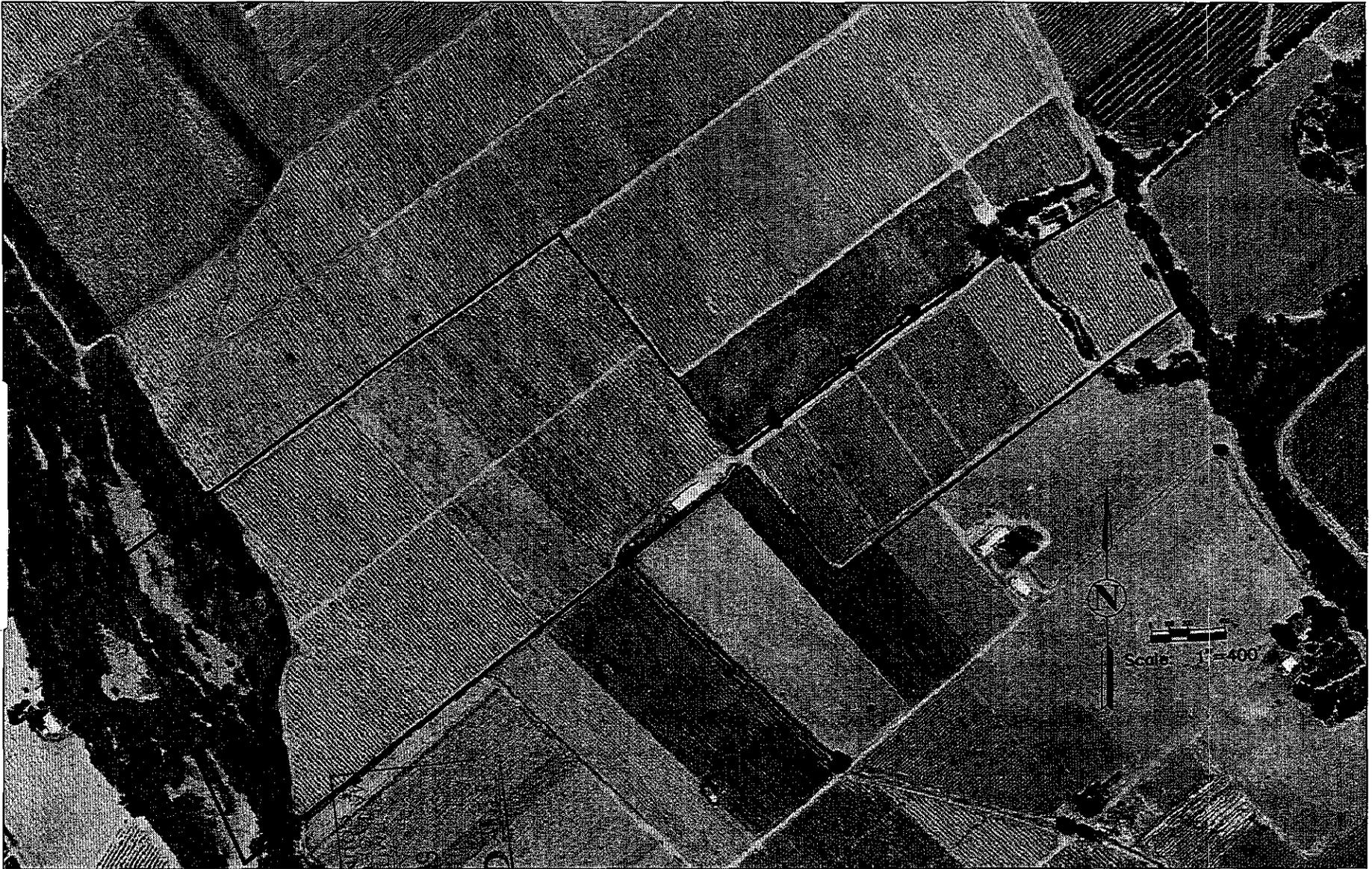


ADA10-0006

Vicinity Map

EXHIBIT C

EXHIBIT D



ATTERBURY & ASSOCIATES, INC.

16109 Healdsburg Avenue, Suite D
Healdsburg, CA 95448

(707) 433-0134; Fax (707) 433-0135
e-mail: tatterbury@aol.com

August 23, 2005

job no. 05-05

RECEIVED
 SEP 17 2005
 AND RESOURCE
 DEPARTMENT
 CITY OF SONOMA

Aerial Site Plan

Wilson Property

4304 Dry Creek Road
Healdsburg, CA 95448

Ownership:

Kenneth & Diane M. Wilson
438 Matheson Street
Healdsburg, CA 95448

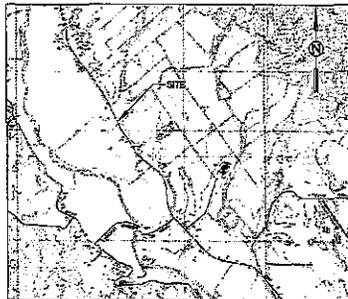
A.P.N. 090-200-008

PLP05-0062 USE PERMIT EXHIBITS HALES WINERY

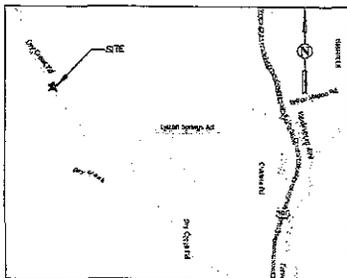
4304 DRY CREEK ROAD, HEALDSBURG, CA 95448

ASSESSOR'S PARCEL NUMBERS:
090-200-008

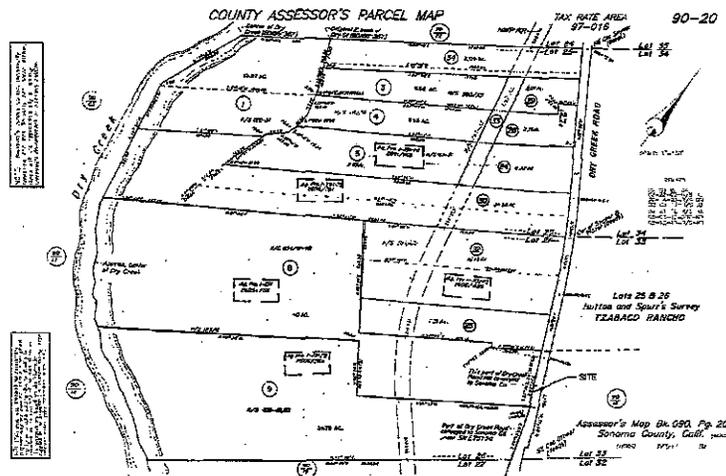
OWNERSHIP: KENNETH & DIANE WILSON
438 MATHESON STREET
HEALDSBURG, CA 95448



QUAD MAP
NTS

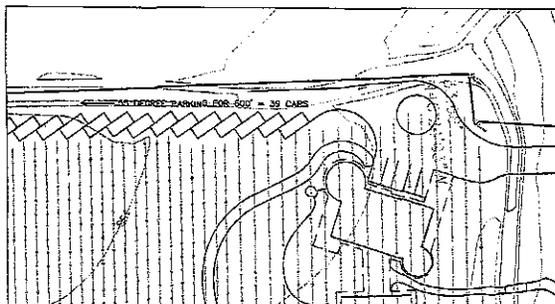


LOCATION MAP
NTS

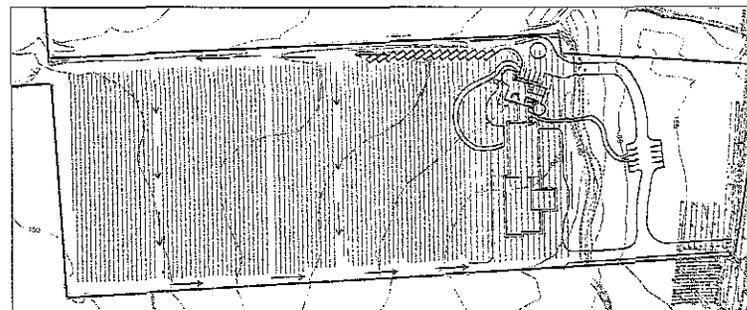


ASSESSOR'S PARCEL MAP
NTS

- SHEET INDEX
1. TITLE SHEET
 2. OVERALL SITE PLAN
 3. FLOOR PLAN - LANDSCAPE PLAN
 4. ELEVATIONS AND SECOND FLOOR PLAN



EVENT PARKING LAYOUT
1" = 40'



EVENT PARKING AND CIRCULATION PLAN
1" = 100'

REVISION	DESCRIPTION	BY	DATE

TERRBURY & ASSOCIATES, INC.
Civil Engineering - Land Planning
1818 Matheson Avenue, Suite 20, Healdsburg, CA 95418
Phone: (707) 438-4100 Fax: (707) 438-4100

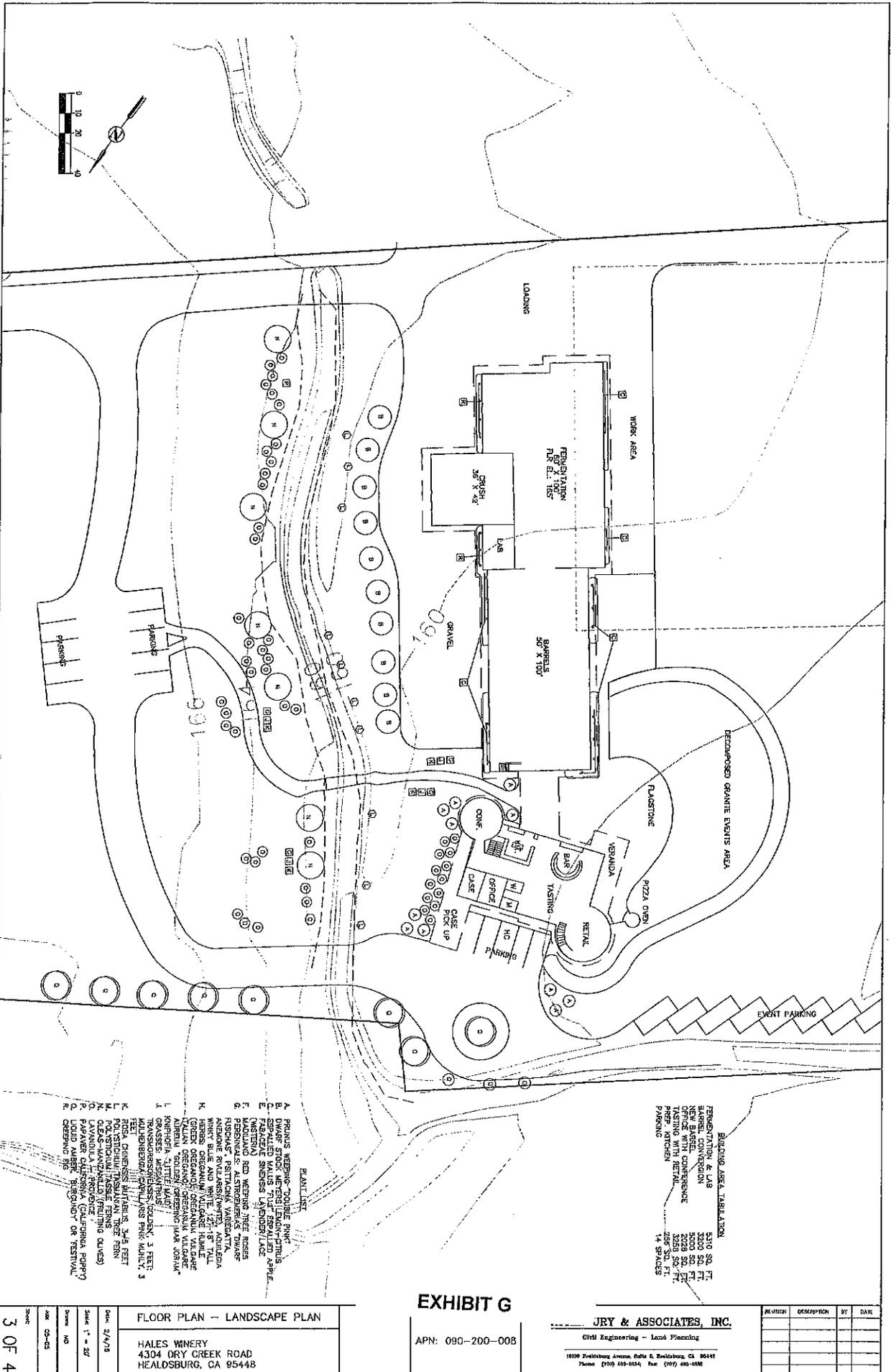
EXHIBIT E

APN 090-200-008

HALES WINERY - PLP05-0062
USE PERMIT EXHIBITS
TITLE SHEET
KENNETH & DIANE WILSON
HEALDSBURG, CA 95448

Date: 2/4/15
Scale: AS SHOWN
Drawn: MD
Job: 05-06
Sheet:

1 OF 4



- PLANTING**
- A. PRUNUS WEIBINGI 'DOUGLAS PRUNE'
 - B. SPYRALLED VALLIS 'LUTE SPYRALLED APPLE'
 - C. MALUS 'SUNSHINE LANDOR/LACE'
 - D. MALUS 'RED WEIBING TREE ROSES'
 - E. PERSONIA 'ASTROBARIAS TWIG'
 - F. RUSCOEA 'PBITTOKA VAREGATTA'
 - G. ANEMONE 'VALERIAN (PINK)'
 - H. GREEN OREGANUS 'OCEANICUM VALIGER'
 - I. HERBES 'ORGANUM VALIGER HIMALI'
 - J. ALBEM 'GOLDEN GREENING WAX CORK'
 - K. RHODOPH 'LITTLE LIGHT'
 - L. RHODOPH 'LITTLE LIGHT'
 - M. RHODOPH 'LITTLE LIGHT'
 - N. RHODOPH 'LITTLE LIGHT'
 - O. RHODOPH 'LITTLE LIGHT'
 - P. RHODOPH 'LITTLE LIGHT'
 - Q. RHODOPH 'LITTLE LIGHT'
 - R. RHODOPH 'LITTLE LIGHT'
- PAVING**
- A. GRANITE
 - B. GRANITE
 - C. GRANITE
 - D. GRANITE
 - E. GRANITE
 - F. GRANITE
 - G. GRANITE
 - H. GRANITE
 - I. GRANITE
 - J. GRANITE
 - K. GRANITE
 - L. GRANITE
 - M. GRANITE
 - N. GRANITE
 - O. GRANITE
 - P. GRANITE
 - Q. GRANITE
 - R. GRANITE

EXHIBIT G

APN: 090-200-008

JRY & ASSOCIATES, INC.
 CIVIL Engineering - Land Planning
 1019 Hollister Avenue, Suite B, Redlands, CA 92341
 Phone (909) 483-8834, Fax (909) 483-4388

REVISION	DESCRIPTION	BY	DATE

FLOOR PLAN - LANDSCAPE PLAN

Scale: 1" = 20'

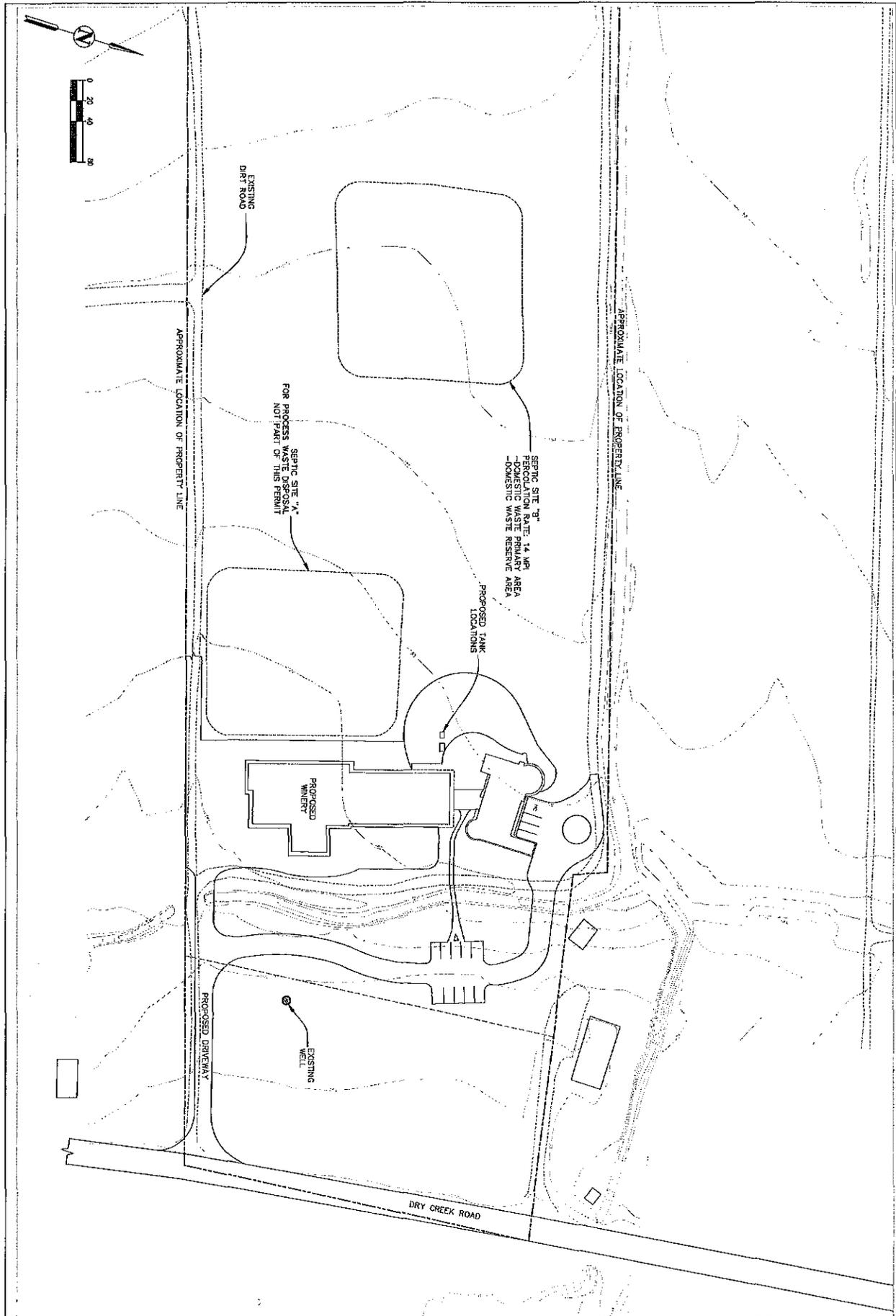
Date: 2/4/08

Drawn: JH

Check: JH

Sheet: 3 OF 4

HALES WINERY
 4304 DRY CREEK ROAD
 HEALDSBURG, CA 95448



Sheet	S2
Date	9/8/70
Drawn By	AS STEVEN
Checked By	TR
App	DS-03

SEPTIC PLANS
SITE PLAN
HALES WINERY
4304 DRY CREEK ROAD
HEALDSBURG, CA 95448



APN 090-200-008

ATTERBURY & ASSOCIATES, INC.
Civil Engineering - Land Planning
2100 Healdsburg Avenue, Suite 2, Healdsburg, CA 95448
Phone: (707) 433-8134 Fax: (707) 433-5113

REVISION	DESCRIPTION	BY	DATE

EXHIBIT H

NOTICE OF WAIVER OF A PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR A USE PERMIT

APPLICANT: Kenneth and Diane Wilson/Atterbury & Associates, Inc.
OWNER: Kenneth & Diane Wilson

FILE: PLP05-0062

DESCRIPTION OF PROJECT & LOCATION: Request for a Use Permit and Administrative Design Review for a winery with a 25,000 case maximum production capacity to include public tasting room, retail sales, and 24 special events per year with a maximum of 100 guests per event on 40 acres. An existing barn would be converted to a future barrel storage building located at 4304 Dry Creek Road, Healdsburg; Zoning LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat); APN 090-200-008; Supervisorial District 4.

It is the intention of the Director of the Permit and Resource Management Department to issue a Use Permit as provided in Section 26-88-010(g) of the Sonoma County Zoning Ordinance. The Use Permit is being granted because the department has determined the proposal is a minor land use alteration.

A Mitigated Negative Declaration, including mitigation measures agreed to by the applicant, has been prepared for the project to avoid or reduce to a less-than-significant level potentially significant adverse impacts on the environment. Potential environmental impacts have been identified in the following topic areas: None with Mitigation.

The Director intends to find that the proposal will not be detrimental to the health, safety or welfare of adjacent land uses or properties.

The Use Permit will be issued without a public hearing on June 11, 2007 unless a written objection is received by the Director prior to that date. If a written objection is received, a public hearing will be scheduled and a notice of the hearing will be issued.

Persons wishing to obtain more information about this proposal, or to appeal in writing, must contact the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403. (707) 565-1903.

Posting Date: May 21, 2007
Staff: Traci Tesconi



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

June 15, 2007

Tom Atterbury & Associates
16109 Healdsburg Ave. Suite D
Healdsburg, CA 95448

Re: PLP05-0062; 4304 Dry Creek Rd., Geyserville

This letter is in reference to your request for Design Review of a winery (single building approximately 17,000 sq. ft. in size) with a 25,000 case maximum annual production capacity to include an attached public tasting room and retail sales, and 25 special events per year with a maximum of 100 guests per event on 40 acres. Notice of the County's intent to waive the hearing requirement for the requested Use Permit was posted for 10 days and no protests were received. Pursuant to Section 26-88-010 (g) of the Sonoma County Code, no public hearing is required and the Use Permit will be issued subsequent with conformance with the attached conditions. Once compliance with all pre-operational conditions has been achieved, a Use Permit Certificate will be issued and the approved use may commence.

The Use Permit approval is based on a determination by the Permit and Resource Management Department that the use will not be detrimental to the health, safety or welfare of adjacent land uses or properties. A Negative Declaration, including mitigation measures, has been prepared for the project to reduce potentially significant adverse impacts on the environment.

The Use Permit shall be issued for the use as described on the application form, the proposal statement, the site plan submitted to this department and as modified by the Conditions of Approval. Any modifications of the use, expansion or alteration shall be submitted for review and approval by the Permit and Resource Management Department, Project Review Division, in advance of the proposed change and may, at the discretion of the department, require a new Use Permit with or without a public hearing.

You may be entitled to a partial refund of the application filing fee; please request this in writing and sign and return the attached request form.

If you have any questions, feel free to contact me at 565-1903. Please refer to your file number (PLP05-0062) and site address when making inquiries.

Sincerely,

Traci Tesconi
Project Planner

:fca

Enclosures

c: File PLP05-0062
Ken Wilson

8. Prior to construction of any improvements that are to be made within County Road Right-of-way, the Developer must obtain an Encroachment Permit from the Permit and Resource Management Department.
9. Prior to occupancy of any new building or new use of an existing building which result from this application, the Developer shall complete construction of all the required public improvements.

Advisory Note: The Sonoma County Department of Transportation and Public Works may modify these conditions if the Applicant can demonstrate that the conditions are infeasible due to unforeseen field constraints or lack of property rights, and that the goals of these conditions can be safely achieved in some other manner. However, the threshold for any modification is high, and therefore modification of conditions is not common.

HEALTH:

PRIOR TO BUILDING PERMIT :

Water:

10. Prior to building permit issuance, the applicant shall cause the proposed water supply system to be evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 1998 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review. This condition is not applicable if the new water well is dedicated to serving the winery and is not used to irrigate the vineyard.
11. Prior to building permit issuance, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) and arsenic analysis results of a sample of your water from the new well tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
12. Prior to the issuance of building permits apply for a water supply permit from the State Health Department, Office of Drinking Water if more than 25 persons per day for 60 days within a year are served by the water system. (This process should begin as soon as possible, as the application, plan check and sampling may take some time.) Copies of the approval letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may E-mail approval directly to PRMD.
13. If a water supply permit is required, then the water supply well is required to have a 50 foot annular seal. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50 foot annular seal cannot be obtained, then a new water well may be required.
14. Prior to the issuance of any building permit, an easement is required to be recorded for this project to provide Sonoma County personnel access any on-site water well and any monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 AM to 5:00 PM. All easement language is subject to review and approval by PRMD-Project Review and County Counsel prior to recordation.

Septic:

22. Special Events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). There shall no be outside music past 9 p.m., and all special events shall conclude no later than 10 p.m. No events allowing the patrons to reside on the premises overnight are authorized by this Use Permit.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that outdoor music and/or special events are being conducted past the 9 p.m. or 10 p.m, respectively, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

23. Crushing or bottling shall not occur between the hours of 10:00 PM and 7:00 AM. During bottling, the rear of the bottling truck should be oriented to the west, away from the nearest receiver to the east.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that crushing or bottling is occurring between the hours of 10:00 PM and 7:00 AM, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

24. Outdoor concerts and/or outdoor amplified sound are not permitted.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that outdoor concerts and/or outdoor amplified sound is occurring on the site, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

25. The very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that loud musical instruments are being used on the site, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

Solid Waste:

26. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval to the Division of Environmental Health. (Fees may apply.) Note that trash trucks must have at least a 32 foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. The Project Review Health Specialist shall receive a copy of an approval letter from the Solid Waste Section of the Division of Environmental Health.
27. If pomace is to be disposed of, it shall be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
- a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - c. Pomace shall be transported to the County's composting facility at the Central Disposal

Consumer Protection:

35. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving food at any tasting room activity or special event.

Noise:

36. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

Maximum Exterior Noise Level Standards, dBA

Cumulative Duration of Noise Event in any one-hour Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
0-60 Minutes	50	45
15-30 Minutes	55	50
5-15 Minutes	60	55
1-5 Minutes	65	60
0-1 Minutes	70	65

Limit exceptions to the following:

- a. If the ambient noise level exceeds the standard, adjust the standard to equal the ambient level.
 - b. Reduce the applicable standards by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
 - c. Reduce the applicable standards by 5 decibels if they exceed the ambient level by 10 or more decibels.
37. Special Events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). No events allowing the patrons to reside on the premises overnight are authorized by this Use Permit.
38. Trucks shall be prohibited between the hours of 10:00 PM and 7:00 AM.
39. Crushing or bottling shall not occur between the hours of 10:00 PM and 7:00 AM. During bottling, the rear of the bottling truck should be oriented to the west, away from the nearest receiver to the east.
40. Outdoor concerts and outdoor amplified sound are not permitted.
41. The very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.

DRAINAGE REVIEW:

42. Drainage improvements shall be designed by a civil engineer, in accordance with the Sonoma County Water Agency Flood Control Design Criteria, be shown on the Improvement plans, and be submitted to the Drainage Review Section of the Permit and Resource Management Department

711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

52. At the time of submitting a building permit application, the applicant shall submit to the Permit and Resource Management Department a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
53. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
54. Prior to issuance of any building permit for the winery building, the building plans shall depict the building height elevations and design as approved by the Design Review Committee ranging from 42' to 44' (DRC approved a greater building height, exceeding the 35 foot height requirement of the LIA zoning district).

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any building permit for the winery building any higher than 42' to 44' feet as approved by the Design Review Committee.

55. Prior to issuance of any grading, building, or other development permit, the Design Review Committee must review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

56. Prior to issuance of final occupancy on any related building permit, landscape planting and Irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

57. Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties or the night sky. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and

building permit for the winery building until the building plans have been reviewed by the Project Review Health Specialist.

60. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. The following dust control measures shall be followed during construction:
- a. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as necessary to control dust.
 - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
 - c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
 - d. Water or other dust palliative will be applied to stockpiles of soil as needed to control dust.

Mitigation Monitoring: If dust complaints are received, PRMD staff shall conduct an on-site investigation. If its determined by PRMD staff that complaints are warranted, the Permit Holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

61. Parking of vehicles and/or trucks associated with this winery facility is not permitted on any public roadways.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that vehicles and/or trucks associated with this winery facility are being parked along public roadways, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

62. The applicant shall include these Conditions of Approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications.

63. The following notes shall be included on building or grading plans for ground disturbing activities:

"If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). 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 features include hearths, firepits, or house floor depressions whereas typical mortuary features 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. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. 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 proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice."

"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 and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated."

reasonable costs for managing the program.

68. The applicant shall maintain a minimum of 13 standard parking spaces and 1 handicap accessible parking space on-site to serve the (two approved land use(s), a winery and a public tasting room). Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein. (If affordable or special needs units - Each affordable or special needs unit shall be provided with a covered parking space included in the rental fee.
 69. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
 70. All new structures, lighting and signs shall require final design review by (PRMD or Design Review Committee) prior to issuance of building permits. All exterior finishes shall be of non-reflective materials and colors.
 71. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). 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 sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.
 72. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural) standards from Title 24 effective October 2005.
 73. Parking lot fixtures shall not exceed 20 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures.
 74. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
 75. Any proposed modification, alteration, and/or expansion of the use authorized by this Use 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 Use Permit and additional environmental review.
 76. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.
- The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
77. 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

NOTICE OF WAIVER OF A PUBLIC HEARING FOR A ONE-YEAR EXTENSION OF TIME FOR A USE PERMIT

APPLICANT: Kenneth and Diane Wilson/Atterbury & Associates, Inc.
OWNER: Kenneth & Diane Wilson

FILE: PLP05-0062

DESCRIPTION OF PROJECT & LOCATION: Request for a one-year extension of time for a previously approved Use Permit for a winery with a 25,000 case maximum annual production capacity to include public tasting room, retail sales, and 24 special events per year with a maximum of 100 guests per event on 40 acres, with an existing barn converted to a future barrel storage building located at 4304 Dry Creek Road, Healdsburg; Zoning LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat); APN 090-200-008; Supervisorial District 4.

A Mitigated Negative Declaration was previously prepared and adopted for the Use Permit. A review of the project determined that there was (1) No new information; (2) No changes in the project; and (3) No changes in circumstances surrounding the project which would require further environmental review.

The one-year extension of time for the Use Permit will be issued without a public hearing on June 11, 2009 unless a written objection is received by the Director prior to that date. If a written objection is received, a public hearing will be scheduled and a notice of the hearing will be issued.

Persons wishing to obtain more information about this proposal, or to appeal in writing, must contact the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403. (707) 565-1903.

Posting Date: May 15, 2009
Staff: Traci Tesconi



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

June 11, 2009

Atterbury and Associates
Attn: Thomas Atterbury
16109 Healdsburg Avenue, Suite D
Healdsburg, CA 95448

Re: PLP05-0062 / 4304 Dry Creek Road, Healdsburg

This letter is in reference to your request for a one-year extension of time in order to meet conditions of a previously approved Use Permit for a winery. Notice of the County's intent to waive the hearing requirement for the requested extension was posted for 21 days and no protests were received. Pursuant to Section 26-88-010 (g) of the Sonoma County Code, no public hearing is required and the one-year extension of time for the Use Permit is approved through June 15, 2010.

A Mitigated Negative Declaration was previously prepared and adopted. A review of the project determined that there was (1) No new information, (2) No changes in the project, and (3) No changes in circumstances surrounding the project, which would require further environmental review.

The use must comply with the application form, proposal statement, and site plan submitted to this department and as modified by the Conditions of Approval. Any modifications of the use, expansion or alteration shall be submitted for review and approval by the Department of Permit and Resource Management, Project Review Division, in advance of the proposed change and may, at the discretion of the department, require a new Use Permit with or without a public hearing.

If you have any questions, feel free to contact me at 565-1903. Please refer to your file number (PLP05-0062) and site address when making inquiries.

Sincerely,

Traci Tesconi

Traci Tesconi
Project Planner

:sd

Attachments

c: File PLP05-0062
Kenneth and Diane Wilson

Conditions of Approval

Date: June 15, 2009 **File No.:** PLP05-0062
Applicant: Tom Atterbury & Associates **APN:** 090-200-008
Address: 4304 Dry Creek Rd., Geyserville

Project Description: Request for a one year extension of time in order to meet conditions for a previously approved Use Permit for a winery (single building approximately 17,000 sq. ft. in size) with a 25,000 case maximum annual production capacity to include an attached public tasting room and retail sales, and 24 special events per year with a maximum of 100 guests per event on 40 acres. Extension of time shall end on June 15, 2010.

Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational 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.
2. This project shall meet all State of California accessibility requirements subject to the review and approval of the Building Section prior to initiation of the approved use and/or as a part of new construction or remodeling of existing facilities. All new construction/retrofitting is subject to the prior review and approval of building permits.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied". BY _____ DATE _____

3. The Developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
 - a) As necessary to create public right-of-way a total of thirty (30) feet wide on the Developer's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage on Dry Creek Road. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.

Right-of-Way shall be dedicated using a Grant Deed. The Developer shall have prepared a Grant Deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded Grant Deed shall be submitted to the Land Development Section of the Permit and Resource Management Department prior to clearance of these conditions.

The Developer shall construct or install improvements described as follows:

Supplement the width of Dry Creek Road on the opposite side to create the improved roadway described below. A detailed drawing of the public road improvement requirements is on file with the Sonoma County Department of Transportation and Public Works. The improvements shall include:

- 1) Twelve (12) foot wide travel lane.
- 2) Eight (8) foot wide paved shoulder.
- 3) Paved tapers.
- 4) Two (2) foot wide rock shoulder backing at edge of pavement.
- 5) The final road shall have sufficient section to provide for a Traffic Index of 10.0.

The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, re-striping, drainage facilities, metal beam guard railing, overhead utilities relocation, etc, all as

necessary to create the required widths and structural section(s).

- b) Access to Dry Creek Road shall be limited to a single entrance. To avoid conflicts with the private road intersection located on the easterly side of the road, the department of Transportation and Public Works recommends the entrance be located nearer to the existing south entrance.
- c) To allow single-unit trucks or buses to make turns without having to enter the opposing lane of traffic, and to insure adequate sight distance, the Developer shall construct an entrance to Dry Creek Road that conforms to AASHTO Standards and shall consist of pavement having a radius of 40 feet with preceding and conforming 1:10 tapers. The entrance curves shall begin on a line that is 20 feet distant from, and parallel with, the physical centerline of Dry Creek Road. The driveway shall have a minimum throat width of 24 feet and it shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the actual speed traveled on the public road servicing the property. The Developer shall surface the entry with asphaltic concrete between the edges of the existing pavement and the right-of-way line, or a minimum distance of 40 feet, whichever is greater. The portion of the entrance located within the public right-of-way shall be paved to provide for a Traffic Index (T.I.) of 10.0. The driveway improvements shall be in place before occupancy or commencement of the approved activity. A detailed drawing of the entrance requirements is on file with the Sonoma County Department of Transportation and Public Works.

4. The Developer shall install:

- a) Traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.

All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road policy.

- 5. The Developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24 inch by 36 inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.

Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the improvement plans by the County Engineer in the Department of Transportation and Public Works.

- 6. Prior to issuance of any building permit that results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
- 7. The Developer shall submit improvement plans for all required improvements to the Office of the County Surveyor in the Permit and Resource Management Department for review and approval. The Improvement Plans shall be signed by the County Engineer in the Department of Transportation and Public Works prior to the issuance of any Grading, Building or Encroachment permits.
- 8. Prior to construction of any improvements that are to be made within County Road Right-of-way, the Developer must obtain an Encroachment Permit from the Permit and Resource Management Department.
- 9. Prior to occupancy of any new building or new use of an existing building which result from this application, the Developer shall complete construction of all the required public improvements.

Advisory Note: The Sonoma County Department of Transportation and Public Works may modify these conditions if the Applicant can demonstrate that the conditions are infeasible due to unforeseen field constraints or lack of property rights, and that the goals of these conditions can be safely achieved in some other manner. However, the threshold for any modification is high, and therefore modification of conditions is not common.

HEALTH:

PRIOR TO BUILDING PERMIT :

Water:

10. Prior to building permit issuance, the applicant shall cause the proposed water supply system to be evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 1998 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review. This condition is not applicable if the new water well is dedicated to serving the winery and is not used to irrigate the vineyard.
11. Prior to building permit issuance, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) and arsenic analysis results of a sample of your water from the new well tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
12. Prior to the issuance of building permits apply for a water supply permit from the State Health Department, Office of Drinking Water if more than 25 persons per day for 60 days within a year are served by the water system. (This process should begin as soon as possible, as the application, plan check and sampling may take some time.) Copies of the approval letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may E-mail approval directly to PRMD.
13. If a water supply permit is required, then the water supply well is required to have a 50 foot annular seal. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50 foot annular seal cannot be obtained, then a new water well may be required.
14. Prior to the issuance of any building permit, an easement is required to be recorded for this project to provide Sonoma County personnel access any on-site water well and any monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 AM to 5:00 PM. All easement language is subject to review and approval by PRMD-Project Review and County Counsel prior to recordation.

Septic:

15. Prior to building permit issuance, a permit for the sewage disposal system shall be obtained. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis, percolation and wet weather testing may be required. Wet weather groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources granted in the Use Permit and any additional sources from the parcel plumbed to the disposal system. If a permit for a standard, innovative or Experimental Sewage Disposal System sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the District Specialist or Liquid Waste Specialist that all required septic system testing and design elements have been met.
16. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building, grading for ponds or septic permit issuance. A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a certificate of occupancy or project operation. An application may be printed from the State Water Resources Control Board website at: www.swrcb.ca.gov/sbforms/
17. Prior to building permit issuance, the applicant shall cause an analysis to be made by a Registered Civil

Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources. Any necessary system expansion or modifications shall be done under permit and the current standards from the Well and Septic Section of the Permit and Resource Management Department and may require both soils analysis and percolation testing. The Project Review Health Specialist shall receive a final clearance from the District Specialist that all required septic system testing and design elements have been met.

18. All future sewage disposal system repairs shall be completed in the designated reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area.
19. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.

Consumer Protection:

20. Prior to the issuance of building permits and the start of any construction, plans and specifications for any retail food facility must be submitted to, and approved by, the Environmental Health Division of the Health Services Department. Contact the Environmental Health Division at 565-6544 for information. The PRMD Project Review Health Specialist shall receive a letter of approval from the Environmental Health Division to verify compliance with requirements of the California Uniform Retail Food Facility Law (CURFFL).

Noise:

21. Prior to building permit issuance, the final design of noise generating mechanical equipment shall be reviewed to ensure compliance with Table NE-2 of the Sonoma County General Plan. A letter of review from the sound consultant shall accompany the building application and shall list the mechanical equipment to be used, and shall certify mechanical equipment compliance with the noise study dated May 1, 2006, by Illingworth and Rodkin.
22. Special Events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). There shall no be outside music past 9 p.m., and all special events shall conclude no later than 10 p.m. No events allowing the patrons to reside on the premises overnight are authorized by this Use Permit.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that outdoor music and/or special events are being conducted past the 9 p.m. or 10 p.m., respectively, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

23. Crushing or bottling shall not occur between the hours of 10:00 PM and 7:00 AM. During bottling, the rear of the bottling truck should be oriented to the west, away from the nearest receiver to the east.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that crushing or bottling is occurring between the hours of 10:00 PM and 7:00 AM, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

24. Outdoor concerts and/or outdoor amplified sound are not permitted.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that outdoor concerts and/or outdoor amplified sound is occurring on the site, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

25. The very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that loud musical instruments are being used on the site, PRMD staff would investigate the complaint and if the

condition is violated the use permit may be subject to modification.

Solid Waste:

26. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval to the Division of Environmental Health. (Fees may apply.) Note that trash trucks must have at least a 32 foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. The Project Review Health Specialist shall receive a copy of an approval letter from the Solid Waste Section of the Division of Environmental Health.
27. If pomace is to be disposed of, it shall be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
 - a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

To ensure that neighbors are not unduly affected by odors caused by the residues of the grape crush, all residues must be handled in such a manner and with sufficient frequency as not to create a nuisance. Methods of handling the residues include, but are not limited to, removal from the site or composting in remote areas of the property farthest away from neighboring properties.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints regarding objectionable odors, PRMD staff would investigate the complaint and if the condition is violated the Use Permit may be subject to modification.

PRIOR TO OCCUPANCY:

Water:

28. Prior to occupancy, any new or existing water well serving this project shall be fitted with a water meter and a groundwater level measuring tube and port, or electronic groundwater level measuring device.

OPERATIONAL REQUIREMENTS:

29. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
30. A safe, potable water supply shall be provided and maintained.
31. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this site shall be monitored quarterly and reported to PRMD in January of the following year pursuant to section RC-3b of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance.

32. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD-project review at least once every five years.

Septic:

33. Maintain the annual operating permit for any Alternative (mound or pressure distribution) or Experimental septic system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.

Hazardous Materials Program:

34. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Consumer Protection:

35. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving food at any tasting room activity or special event.

Noise:

36. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

Limit exceptions to the following:

- a) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed
- b) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels
- c) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels
- d) For short term noise sources which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.
- e) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of the exterior property line of the adjacent noise sensitive land use where:

- (1) the property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and
- (2) there is available open land on those noise sensitive lands for noise attenuation.

This exception may not be used on vacant properties which are zoned to allow noise sensitive uses.

37. Special Events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM).
38. The applicant shall submit a projected schedule of Special Events to the Code Enforcement section of PRMD by February 1 of each calendar year.
39. Amplified sound and the very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.
40. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional mitigation measures needed to meet noise standards.
41. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit. No prejudice against future special events being authorized by future Zoning or Use Permits is implied.
42. Trucks shall be prohibited between the hours of 10:00 PM and 7:00 AM.
43. Crushing or bottling shall not occur between the hours of 10:00 PM and 7:00 AM. During bottling, the rear of the bottling truck should be oriented to the west, away from the nearest receiver to the east.
44. Outdoor concerts and outdoor amplified sound are not permitted.
45. The very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.

DRAINAGE REVIEW:

46. Drainage improvements shall be designed by a civil engineer, in accordance with the Sonoma County Water Agency Flood Control Design Criteria, be shown on the improvement plans, and be submitted to the Drainage Review Section of the Permit and Resource Management Department for review and approval.
47. The design engineer shall include a site grading plan and an erosion prevention/sediment control plan, as part of the required improvement plans, which shall contain all pertinent details, notes, and specifications.
48. A building setback line along the waterway shall be measured from the toe of the stream bank outward, a distance of 2 ½ times the height of the stream bank plus 30 feet, or 30 feet outward from the top of the stream bank, whichever distance is greater. If the top of bank cannot be determined, then the building setback line may also be determined through hydraulic analysis.
49. Grading and/or building permits require review and approval by the Drainage Review Section of the Permit and Resource Management Department prior to issuance.
50. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is

subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Drainage Review Section of the Permit and Resource Management Department prior to permit issuance.

PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

51. This Use Permit approves a Use Permit and Administrative Design Review for a winery with a 25,000 case maximum annual production capacity to include public tasting room, retail sales, and 24 special events per year with a maximum of 100 guests per event on 40 acres. An existing barn would be converted to a barrel storage building. Special Events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). There shall no be outside music past 9 p.m., and all special events shall conclude no later than 10 p.m. Crushing or bottling shall not occur between the hours of 10:00 PM and 7:00 AM. The use shall be operated in accordance with the proposal statement and site plan located in File# PLP05-0062 as modified by these conditions.
52. The applicant shall pay all applicable development fees prior to issuance of building permits.
53. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to the Permit and Resource Management Department from the County Fire Marshal/Local Fire Protection District.
54. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a Right-to-Farm declaration on a form provided by PRMD.
55. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$1,800 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$1,850 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges. **Condition cleared - paid 6/22/2007**
56. At the time of submitting a building permit application, the applicant shall submit to the Permit and Resource Management Department a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
57. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
58. Prior to issuance of any building permit for the winery building, the building plans shall depict the building height elevations and design as approved by the Design Review Committee ranging from 42' to 44' (DRC approved a greater building height, exceeding the 35 foot height requirement of the LIA zoning district).

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any building permit for the winery building any higher than 42' to 44' feet as approved by the Design Review Committee.

59. Prior to issuance of any grading, building, or other development permit, the Design Review Committee must review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify all landscape improvements and lighting have been installed in accordance with approved plans.

60. Prior to issuance of final occupancy on any related building permit, landscape planting and irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

61. Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties or the night sky. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit for the winery building until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and, if warranted, require the property be brought into compliance or initiate procedures to revoke the permit.

62. Construction activities for this project shall be restricted as follows:

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code Equipment shall be properly maintained and turned off when not in use.
- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
- c) There will be no start up of machines nor equipment prior to 7:00 a.m. Monday through Friday or 9:00 a.m. on weekends and holidays, no delivery of materials or equipment prior to 7:00 a.m. nor past 7:00 p.m. Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.
- d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f) The developer shall designate a Project Manager with authority to implement the mitigation prior to

issuance of each building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: PRMD staff shall ensure that the measures are listed on all site grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

63. PRMD staff shall ensure that the measures are listed on all site grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

Mitigation Monitoring: The Permit and Resource Management Department shall not issue any building permit for the winery building until the building plans have been reviewed by the Project Review Health Specialist.

64. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. The following dust control measures shall be followed during construction:

- a) Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as necessary to control dust.
- b) Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c) Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
- d) Water or other dust palliative will be applied to stockpiles of soil as needed to control dust.

Mitigation Monitoring: If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the Permit Holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

65. Parking of vehicles and/or trucks associated with this winery facility is not permitted on any public roadways.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints that vehicles and/or trucks associated with this winery facility are being parked along public roadways, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

66. The applicant shall include these Conditions of Approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications.

67. The following notes shall be included on building or grading plans for ground disturbing activities:

"If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). 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 features include hearths, firepits, or house floor depressions whereas typical mortuary features 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. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. 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 proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff.

Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice."

"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 and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated."

Mitigation Monitoring: PRMD shall not approve any building/grading permits for ground disturbing activities until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement to cease construction if archaeological materials are found during ground disturbing activities. The project planner shall work with the applicant in reviewing and revising construction plans if archaeological materials are found. (Ongoing during construction)

68. The following types of food service are allowed under this Use permit for a winery facility:
- a) Samples or tastes of pre-prepared food featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
 - b) Samples or tastes from cooking demonstrations featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
 - c) Appetizers or meals featuring local foods and food products offered in conjunction with marketing or promotional activities not open to drop-in guests or noticed to the general public.
 - d) Retail sales of pre-prepared food not associated with the activities described in a), b), and c) above, is allowed subject to the following limitations:
 - 1) Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this permit.
 - 2) Retail sales of pre-prepared food shall be for on-site consumption only.
 - 3) No restaurant or deli service is provided.
 - 4) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 5) No off-site signs advertising retail sales of pre-prepared food shall be allowed. However, one exterior on-site sign shall be permitted, subject to design review.
 - 6) No other food service, including, without limitation, retail sales of cooked-to-order food, shall be allowed under this permit.

Mitigation Monitoring: If the Permit and Resource Management Department receives complaints of full food services being offered at the winery facility, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

69. Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).
70. The project shall comply with all provisions of the County Low Water Use Landscaping Ordinance.
71. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair

share towards the cost of establishing and maintaining the program. The program should consider the fairness for long-established uses and establish reasonable costs for managing the program.

72. The applicant shall maintain a minimum of 13 standard parking spaces and 1 handicap accessible parking space on-site to serve the (two approved land use(s), a winery and a public tasting room). Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein. (If affordable or special needs units - Each affordable or special needs unit shall be provided with a covered parking space included in the rental fee.
73. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
74. All new structures, lighting and signs shall require final design review by (PRMD or Design Review Committee) prior to issuance of building permits. All exterior finishes shall be of non-reflective materials and colors.
75. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). 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 sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.
76. Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ2 for rural) standards from Title 24 effective October 2005.
77. Parking lot fixtures shall not exceed 20 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures.
78. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
79. Any proposed modification, alteration, and/or expansion of the use authorized by this Use 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 Use Permit and additional environmental review.
80. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

81. 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 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) year 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 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 26-92-130 of the Sonoma County Code.

ORDINANCE NO. 5929

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO ADOPT TEMPORARY ECONOMIC STIMULUS MEASURES WHICH EXTEND PERMITTED TIME FRAMES FOR APPROVED PLANNING PERMITS, POTENTIALLY ALLOW FOR REACTIVATION OF CERTAIN RECENTLY EXPIRED PERMITS, EXTEND THE TIME FRAME FOR MAINTAINING LEGAL NON-CONFORMING STATUS, AND ALLOW INDOOR RECREATIONAL USES IN CERTAIN INDUSTRIAL AND COMMERCIAL DISTRICTS SUBJECT TO DESIGN REVIEW

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. The Board finds and declares that the adoption of this Ordinance (ORD11-0001) is necessary to reduce County financial expenditures, increase permit processing efficiency, provide immediate opportunities for temporary reuse of existing vacant industrial/commercial buildings, ensure neighborhood compatibility, protect the general welfare of residents in the County, facilitate economic growth, and further the public necessity and convenience. The Board hereby finds that the facts supporting the adoption of this Ordinance are as follows:

1. The State of California and the local economy of Sonoma County are currently experiencing an economic recession, which has reduced available County revenue, and led to a reduction in development and business activity in the County.
2. The County has an interest in reducing its expenditures and promoting beneficial development and local job growth through the adoption of measures which will increase County workforce and regulation efficiency, and reduce barriers to new businesses and economic development during the economic downturn.
3. This ordinance provides specific measures to reduce the complexity and cost of County permit processing procedures by temporarily: Extending the time frame for existing approved land use entitlements; potentially allowing reactivation of certain recently expired land use entitlements; extending the time frame for maintaining legal non-conforming status; and allowing indoor recreational uses as "Permitted Uses" subject to Design Review in specific industrial and commercial districts.
4. The adoption of the proposed regulations is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because it can be seen with certainty that adoption of the Ordinance does not result in a physical change in the environment, and, pursuant to Section 15305 as a minor change in land use limitations. Implementation of the regulations does not increase the intensity of uses already allowed on land, as the regulations adopted herein are primarily intended to aid permit streamlining, efficiency, and clarification of existing codes.

SECTION II. Chapter 26 of the Sonoma County Code (the Zoning Ordinance) is amended as follows:

Sec. 26-02-045. - Economic stimulus measures

Notwithstanding any other provision of this code, the following provisions shall control and prevail for a period of three years following the effective date of this section, unless otherwise amended by subsequent action of the Board of Supervisors.

- (a) Time Extensions - All approved land use entitlements that have not expired by the effective date of this section, and are not related to code violations, are hereby automatically extended for a period of two years from the date of expiration of the entitlement, but not to exceed the period of time allowed on an accompanying tentative map. This extension shall be in addition to any other time extensions allowed under the code.

The number of time extensions allowed to be approved for any land use entitlement is hereby increased from one to two (2) extensions. Each extension may be granted for a period of up to two years at the discretion of the Planning Director, subject to public notice and opportunity for hearing before the authority which granted the original permit.

- (b) Reactivation of expired permits - Any land use entitlement which expired during calendar years 2010 or 2011 prior to the effective date of this section, may be granted reactivation by the Planning Director at his/her sole discretion, subject to public notice and opportunity for hearing before the authority which granted the original permit. The property owner/applicant must request reactivation by submittal of an application and payment of the time extension fee. The application for reactivation will be reviewed to determine consistency with the County's General Plan and zoning code, and any code/policy amendments in effect at the time of application for reactivation, as well as current County goals, policies and standards. Any reactivated project must comply with current General Plan, building and zoning codes and additional conditions to achieve compliance may be added.
- (c) Nonconforming uses - The time limit established by Section 26-94-030 of this code for maintaining legal nonconforming status despite a cessation of actual use is hereby extended to 24 months to allow vacant buildings to be reoccupied by the same type of legal non conforming use. This extended time period may also be granted by the Planning Director at his/her sole discretion, subject to public notice and opportunity for hearing before the Planning Commission, to any legal nonconforming use which ceased prior to the effective date of this section in calendar years 2010 or 2011. The property owner/applicant must request reactivation by submittal of an application and payment of a time extension fee. Any reactivated nonconforming use may have conditions applied to it to improve neighborhood compatibility.
- (d) Indoor recreational uses - Indoor Recreational uses shall be considered "Permitted Uses", subject only to Design Review approval, in the following zoning districts: MP (Industrial Park), CO (Administrative and Professional Office), M1(Limited Urban Industrial), M3 (Limited Rural Industrial), C2 (Retail Business and Service District), and LC (Limited Commercial District).

SECTION III. The Board of Supervisors hereby finds and declares that project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of the State CEQA Guidelines because it can be seen with certainty that the Ordinance does not increase the intensity of use allowed as the standards adopted herein are consistent with otherwise allowable commercial and industrial uses and any activities that may exceed the environmental standards would be subject to further discretionary review; and

SECTION IV: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION V: This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

IN REGULAR SESSION of the Board Supervisors of the County of Sonoma, passed and adopted this Ordinance day of April 12 , 2011, on a regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown: Absent Rabbitt: Aye Zane: Aye McGuire: Aye Carrillo: Aye

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Clerk of the Board of Supervisors

**Dry Creek Valley Citizens Advisory Council
Regular Meeting Minutes
August 15, 2013
City of Healdsburg Council Chambers, 401 Grove Street, Healdsburg CA**

Call to Order

Chairperson Jason Boaz called to order the regular meeting of the Dry Creek Valley Citizens Advisory Council at 6 pm.

Roll Call

Present Councilmembers: Boaz, Corson, Rued, Schanzer

Absent Councilmembers: Mauritson

Chair Boaz read the DCVCA mission statement:

The mission of the Dry Creek Valley Citizens Advisory Council is to act as a bridge for communication between the County and local residents and businesses, and the general public on local planning decisions affecting the Dry Creek Valley.

The DCVCAC provides a forum for public expression and for making advisory recommendations to the County of Sonoma and its Permit and Resource Management Departments, Board of Zoning Adjustments, Planning Commission, and Board of Supervisors on application for use permits, rezonings, and general plan amendments in the Dry Creek Valley.

Approval of Minutes

On a motion by Councilman Corson, seconded by Councilwoman Schanzer, approve the December 12, 2012 Dry Creek Valley Citizens Advisory Council meeting minutes as submitted. The motion carried on a voice vote. (Ayes 4, Noes 0, Absent – Mauritson)

Public Comments on Non-Agenda Items - None

Correspondence

A. Chair Boaz read a correspondence from the PRMD regarding the Rafanelli project:

“Thank you for sending the unapproved minutes, your concerns were consistent with that of the PRMD’s, therefore, you will find the Use Permit is subject to Conditions of Approval which require parking attendants on duty at all times during events and require a shuttle service for all events; and prohibit any vehicles from parking along any public or private roadways.”

B. Chair Boaz stated that an email had been received regarding the Mounts’ permit from the Zaffaronis of 4106 Wine Creek Road requesting an extension of time for hearing the permit. Chair Boaz noted that projects submitted to the DCVCAC must be heard within 45 days of referral.

C. Chair Boaz noted that the DCVA had submitted a letter regarding the Mounts project and has since retracted the letter.

Councilmember Announcements and Disclosures

Councilman Corson has been in contact with PRMD regarding PLP13-004 1280 Dry Creek (Comstock). Corson would like to see the conservation easement addressed. Chair Boaz had been in contact with Planning Commissioner Jason Liles regarding general questions about the projects.

Referrals from PRMD

A. UPE12-0050 3901 Wine Creek Road (Mounts):

Mr. Rich Mounts (applicant) stated that 3901 Wine Creek Road is 140 acres with 85 acres in vineyard. There will be a "mobile home – type" tasting room.

Councilman Corson would like to see the number and type of events specified and would like the county to clarify the term "event" and "event day".

Corson also noted that the road to the winery and the entrance is not easily approached and has a narrow driveway. Councilman Corson would like the traffic and fire access to be addressed.

Councilwoman Schanzer also has issues with the road, and would like the Dept. of Transportation and Public Works to address the road issues and any conflict with the DTPW's assessment of Wine Creek Road in the Schlumberger application and the Mount's project. Schanzer inquired whether any of the owners of Koch Road had given consent to the applicant for use of their private road as egress from the proposed site.

Mr. Rich Mounts stated that there have been no accidents on the road. Traffic will enter through Wine Creek and exit on Koch road, on which he states he has an easement.

Mr. David Mounts stated that there have been no issues with the use of Koch Road. Councilman Rued would like to see an owner present at special events.

Councilman Corson stated that traffic safety issues relative to Schlumberger are still being considered, and that Mounts should be involved in that process.

Chair Boaz inquired as to why the tasting room was appointment only.

Mr. Mounts responded that an open tasting room would never be approved on Wine Creek Road.

Chair Boaz also expressed concern on the road use and fire safety access and would like to see something from Public Works regarding these issues. Boaz would also like monitors for parking, and no parking on the road.

Mr. Mounts stated there will two attendants during events to monitor road and parking.

There were no public questions or comments.

Councilman Corson stated that he would support the Mounts application if tastings were by appoint only, there were industry events only, and contingent on Dept. of Transportation looking at entry and traffic improvements and the DTPW finding that there are no cumulative impacts with the Schlumberger property regarding safety of road and traffic use.

Councilwoman Schanzer would like Public Works and the Dept. of Transportation to address the safety of both Wine Creek Road and Koch Road.

On a motion by Councilmember Corson, seconded by Councilmember Rued; support the Mounts tasting room contingent upon:

1. The entry and exit of the winery are approved by the Department of Transportation.
2. The Department of Transportation has no cumulative traffic safety issues with the winery.

The motion carried on a roll call vote. (Ayes 4 –Boaz, Corson, Rued, Schanzer, Noes 0, Absent Mauritson)

B. PLP05-0062 4303 Dry Creek Road (Wilson)

None of the applicants, nor representatives, were present at the council meeting. Councilman Corson expressed two concerns:

1. The detrimental concentration issue of tasting rooms in the area, and would like a response from the county regarding the concentration of wineries.
2. Compliance issues with current permits. The current application should not be approved if the applicant is not in compliance with current use permits.

Discussion ensued that the permit was a reactivation under the Economic Stimulus Act, and since the original application there have been new wineries / tasting rooms in the immediate area. Concern was expressed about hearing the reapplication. Since the original application there have been changes of circumstances in the area and in the application.

There were no public questions or comments.

On a motion by Councilmember Schanzer, seconded by Councilmember Corson; the council recommends the applicant's request to reactivate a use permit be denied, based on changed circumstances surrounding the project location. For example; multiple new wineries and tasting rooms have been permitted in the immediate area since the original project approval.

Discussion: It was the consensus of the council, that the county should not approve use permits when the applicant has outstanding, non-compliance issues.

The motion carried on a roll call vote. (Ayes 4 –Boaz, Corson, Rued, Schanzer, Noes 0, Absent Mauritson)

Agenda Items for future meetings

The process for future meeting was discussed, and council members would like to see more complete files from PRMD and official input from other agencies.

PLP13-0040 (1500 Westside, Tusi, lot line) should come before the DCVCAC as it contains zoning changes, also PLP13-004, Comstock, should come before the DCVCAC.

Adjournment

There being no other Council business to discuss, the meeting was adjourned at 7:50 pm; on a motion by Councilwoman Schanzer, seconded by Councilman Corson. The motion carried on a voice vote, (Ayes 4, Noes 0, Absent none)

Approved Date: September 19, 2013

Jason Boaz, Chair:

Attest Carol Vaughan, Secretary

County of Sonoma
Permit and Resource Management Department

Traci Tesconi, Project Planner

September 12, 2013

Re: File No. PLP05-0062,
4304 Dry Creek Road
APN 090-200-008

Regarding the application for the proposed 25,000 case per year winery at the above location, I represent the property owner, Rancho Arroyo Seco Inc, at 4455 Dry Creek Road and have comments on the limited information you provided regarding the proposal.

I understand that winery development has a place in Dry Creek Valley as grapes are an important part of the economy of the area. As a grape grower, we welcome winery capacity in the area, if it in fact is to the benefit of growers in Dry Creek. Particularly if the winery was dedicated to producing quality Dry Creek wines that would enhance the area's reputation and market value.

However, as the application stands, it would appear that the emphasis is on social events and not on quality product. The agricultural nature of the valley is being put at risk if commercial ventures are allowed that focus only on creating space for entertainment with only a nod towards promoting the area's needs.

I ask that events at the winery be limited to the Valley's industry wide events, Barrel Tasting, Passport, etc, and that the social events and so called agricultural promotional events not be allowed.

I should point out that Dry Creek Road is very busy on weekends and in particular on event weekends. Within close proximity to the proposed winery there are already a couple of other wineries and event centers. In fact immediately across from 4304 Dry Creek there are at least three driveways and several more within a very short distance. An additional event center will add to the congestion. As an example of the congestion that exists today, the Wilson Winery on Dry Creek Road causes considerable traffic problems when they are having events. As our entrance will be impacted, I request that we be given a guarantee that access will not be affected. This guarantee would have to come with consequences if not maintained.

I would also like to see guarantees that the environment will not be threatened in any way. That includes water availability, air quality (from increased traffic and machinery), noise pollution, etc. Statements of best intentions from the developer are not enough. A thorough environmental survey of the area should be done before any development to establish a base line and a target for post development.

Dry Creek Valley would appear to be at a critical stage in its development. Down grading proposals are chipping away at the agricultural nature of the area. As each proposal does not appear to be a threat on its own, permission is granted. This seems to be a process of death by a thousand cuts. If this process is left to continue, Dry Creek will go the way of Napa Valley and become something that most Valley owners and residents never wanted. I ask that the County Planners put a moratorium on non-agricultural development until a comprehensive plan is developed that outlines how the area will be developed in the future. This way property owners will be able to have some insurance that the risks and impact of future development will be known. County and city government agencies around the state are addressing this issue. The St. Helena City Council is looking into new winery regulations. One of the items they are thinking about is requiring small wineries to have 50% of their wine from grapes grown on their own property and 85% from Napa. The San Joaquin County Board of Supervisors has asked the Community Development Department to devise a moratorium on marketing events until a new ordinance can be considered. Sonoma needs to take some action along the same lines.

Regulation is not enough. There needs to be more focus on enforcement. I call to your attention the recent non compliance regarding Pech Merle Winery on Dry Creek Road. It was necessary for a local resident to get a cease and desist order against them when they over stepped the terms of a limited permission they had to open on Passport Weekend. I don't think it is up to neighbors to police the activities in the area, but it is clear, that there are individuals who will take advantage of the lack of oversight.

I would be happy to discuss any of the above points and ideas at you convenience.

Chris Wolcott
Rancho Arroyo Seco, Inc.
4455 Dry Creek Road.

Mailing Address:
185 Cannon Road
Wilton, Ct 06897

203-761-0633
cwolcot@aol.com

cc: Mike McGuire
Dry Creek Valley Citizen's Advisory Committee

Traci Tesconi

From: Margaret Petersen [margaret@avispmail.com]
Sent: November 21, 2014 2:37 PM
To: Traci Tesconi
Cc: 'Charlee Schanzer'; 'Donald Goodkin'; 'Fred Corson'; 'Jason Boaz'; 'Jason Liles'; 'Tom Rued'
Subject: Notice of Public Hearing (PLP05-0062)

Ms. Tesconi,

Concerning the proposed project located at 4304 Dry Creek Road, Healdsburg; APN 090-200-008 requested by Diane and Ken Wilson, I would suggest taking a look at some of the other facilities owned by the Wilson's to determine compliance to existing permits prior to approving yet another. In particular, Soda Rock Winery in Alexander Valley, where noise, illegal parking and large events are held quite regularly.

Margaret Petersen
9901 West Dry Creek Rd
Healdsburg CA 95448

County of Sonoma
Permit and Resource Management Department

Traci Tesconi, Project Planner

November 22, 2014

Re: File No. PLP05-0062,
4304 Dry Creek Road
APN 090-200-008

Regarding the **Revised Mitigated Negative Declaration** for the above project, I represent the property owner, Rancho Arroyo Seco Inc., at 4455 Dry Creek Road and have comments regarding the mitigation report you prepared.

I have to say that the report seems very complete and thoughtfully prepared and seems to address many areas of concern. There are a number of points that I must raise for your consideration.

1. This application comes at a time when a lot of discussion and controversy exists around winery "events". The recent legal activity around Bella Winery in Dry Creek has highlighted the fact that the enforcement of regulations has been left to neighbors who for the most part are not aware of the permits issued or the regulations in place. At the same time the number of wineries and events at these wineries has grown dramatically since the regulations were put in place. The impact on the infra-structure in the valley far exceeds any expectations that people may have had in the past. While wineries are a part of the business in the area and need to be encouraged, the net impact of all their activities needs to be studied and regulated. A case by case approach does not do a good job of creating an environment that will be sustainable. The county should review the impact of existing and future development before granting any further event permits. In addition, the county needs to find a proactive way to enforce the standards. When events happen on weekends, who is investigating or responding to violations? How, in fact, is the county going to insure that the mitigation items identified are going to be built and operated as expected?
2. In your mitigation report, you have lifted statements from the applicant's traffic and noise experts. These experts, of course, cannot be considered independent as they have been paid for by the applicants. The county should initiate their own studies, if needed, using other experts. Any reference to the applicant's experts should be highlighted as such and presented as an opinion and not fact.

I have a few comments relating to specific mitigation areas.

- Noise. Your report, which relies on the applicant's submission, makes certain assumptions about the way amplified music is going to be generated. Computer controlled systems playing tasteful music with limits on the decibel level are mentioned. In fact these items were suggested by the applicant's consultant and there has been no commitment by the applicant to adhere to these limits. In today's world weddings and other events routinely hire DJ's who bring in their own high watt

systems to blast whatever music the promoter wants. The only way to regulate noise is to restrict it to indoors. Of course the other way that noise can be mitigated is to restrict the number and types of events. Weddings and other events that are primarily for entertainment and not business should be eliminated.

- Traffic. In your report on page 17, the total number of events that you believe have been allowed in Dry Creek within 2 or so miles from the site totals 84 at more than 11 wineries. You have not included any events at Chateau Diana or Peche Merle, so the real number of events may be in excess of 100. You are proposing that an additional 24 be allowed or an increase of 23%. This is a substantial number. The expert report, that you have sighted, has made statements about the minimal impact as most of these events will be at off-peak times. The fact of the matter is that many of the events will be at times when all other wineries are also having events, therefore these will be at high congestion times. This is also compounded by the fact that there are few big events in the winter, particularly if parking is on dirt roads. In addition any standards regarding sight-lines or driver behavior seems to ignore the fact that drivers' reaction times will be impaired as the whole point of these events is to drink wine. No mention was made of the heavy recreational traffic on Dry Creek Road that presents additional challenges. If you determine that a major turning lane is not required, the number of events, timing of the events, and the number of guests should be dramatically changed. The use of traffic control officers should be mandatory. One unfortunate fact is that the applicants currently operate a winery on Dry Creek Road that causes extreme traffic problems when they have events, therefore this cannot be allowed to happen at the new location.
- Water. The application, if approved, will allow a new well with an unspecified capacity and will allow unspecified additional water use on the property. There are statements about the amount of water that could be used, but no specifics on maximums. Given the current concern regarding water availability in the area and the prospect of having usage regulated and possibly restricted in the future, the lack of concern in this area would seem to be an oversight and a missed opportunity. A specific study should be carried out to determine the impact of this development on the area's water situation. This should be done by an independent expert. If any restrictions are placed on wells in the area in the future, this project's water usage should take the the first cuts based on other's usage prior to the new usage. In terms of opportunity, the project should be made to recycle a significant amount of their water. There is no mention of energy conservation or solar opportunities, therefore we can only assume that little thought has been given to conservation in general.

I believe this is the time, before the applicants have spent too much on their project, to determine how the winery event issue can be successfully managed in Sonoma County and specifically in Dry Creek Valley. Wineries are important to the economy of the area and need to be allowed to be developed, within reasonable limits. The charm of the area is in large part a function of its rural and peaceful nature. Turning Dry Creek Road into another Napa Route 29 will end up backfiring on the current businesses and will cheapen the "brand value" of Dry Creek.

I wrote a letter to you on September 12, 2013 when this project was raised last year. I attach a copy of that letter for your reference. As I mentioned in that letter, I think it would be prudent for Sonoma County to place a moratorium on major winery development and place a high priority on coming up with a comprehensive plan of attack that looks at the entire puzzle and not just one piece.

Respectfully,

Chris Wolcott
Rancho Arroyo Seco, Inc.
4455 Dry Creek Road.

Mailing Address:
185 Cannon Road
Wilton, Ct 06897

203-761-0633
cwolcot@aol.com

cc: Mike McGuire/James Gore
Dry Creek Valley Citizen's Advisory Council

Traci Tesconi

From: Chris Wolcott [cwolcot@aol.com]
Sent: November 22, 2014 12:44 PM
To: Traci Tesconi
Subject: 4304 Dry Creek Road Winery Project

Traci,

After I sent my letter you on the above subject, I was told by a knowledgeable source who has talked to wineries in the area (the ones on your list on page 17) and was told that visits to the tasting rooms average 200 per day and not the 30 that the applicant mentioned. Unless you plan to restrict their hours of operations to 1-2 hours per day, the 30 number is not only unrealistic, but would be uneconomical.

This information calls into question any "facts" in the applicant's proposal and their expert's comments. The whole traffic analysis should be redone by someone who is independent and in possession of hard data and specific facts. I am sure that you have taken a drive up Dry Creek Road on a weekend day, particularly during Barrel Tasting or Passport Weekends, and have seen first hand the congestion caused by the tourists. The traffic analysis in the mitigation report is not based on reality.

Thank you,
Chris Wolcott

Traci Tesconi

From: Chris Wolcott [cwolcot@aol.com]
Sent: December 03, 2014 1:35 PM
To: Traci Tesconi; Mike McGuire
Cc: Andrew L. Dieden
Subject: Wilson winery on October 19, 2013

Traci,
The attached pictures show the traffic situation that the Wilson's have allowed to happen on Dry Creek Road. Please make sure that these are available to the members of the committee.
Their traffic experts deal in theoretical situations based on assumptions that do not capture reality. These pictures show what really happens.
Thank you,
Chris Wolcott

Wilson Winery on October 19, 2013 - Messages (1/10)

Message

Reply Forward Respond Reply to All

Create New Folder Move to Folder Other Actions

Block Sender Not Junk Junk E-mail

Safe Lists

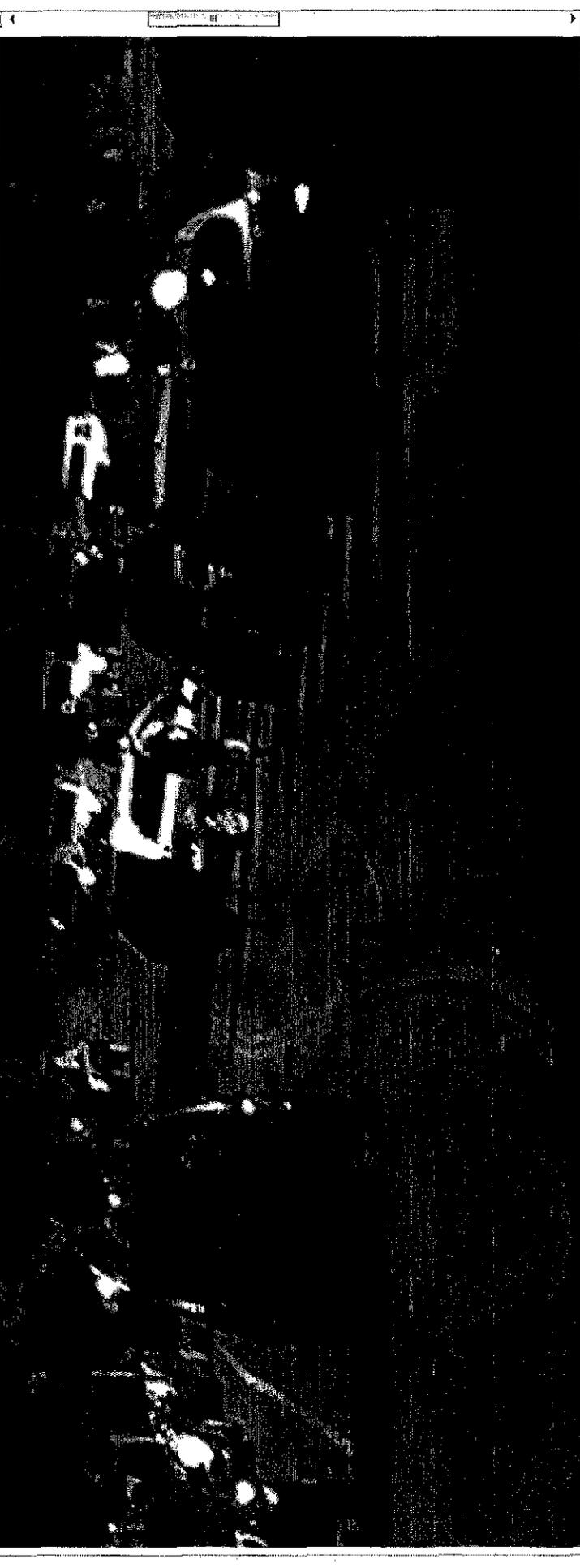
Categorize Follow Up Mark as Unread Options

Find Related Select

Sent: Wed 12/03/2014 1:55 PM

You forwarded this message on 12/03/2014 1:41 PM.

From: Chris Wolcott [revolco@aol.com]
 To: Traci Teszoni; Mike McGuire
 CC: Andrew L. Dieden
 Subject: Wilson winery on October 19, 2013



1:55 PM 12/03/2014

Wilson wine-...

Inbox - Micr...

PIP14-0004 ...

PIP14-0004 ...

PIP05-0062 ...

PIP05-0062 ...

UPIE10-0043...

UPIE10-0043...

ActiveMap ...

Wilson wine on October 19, 2013: Messages (HTML)

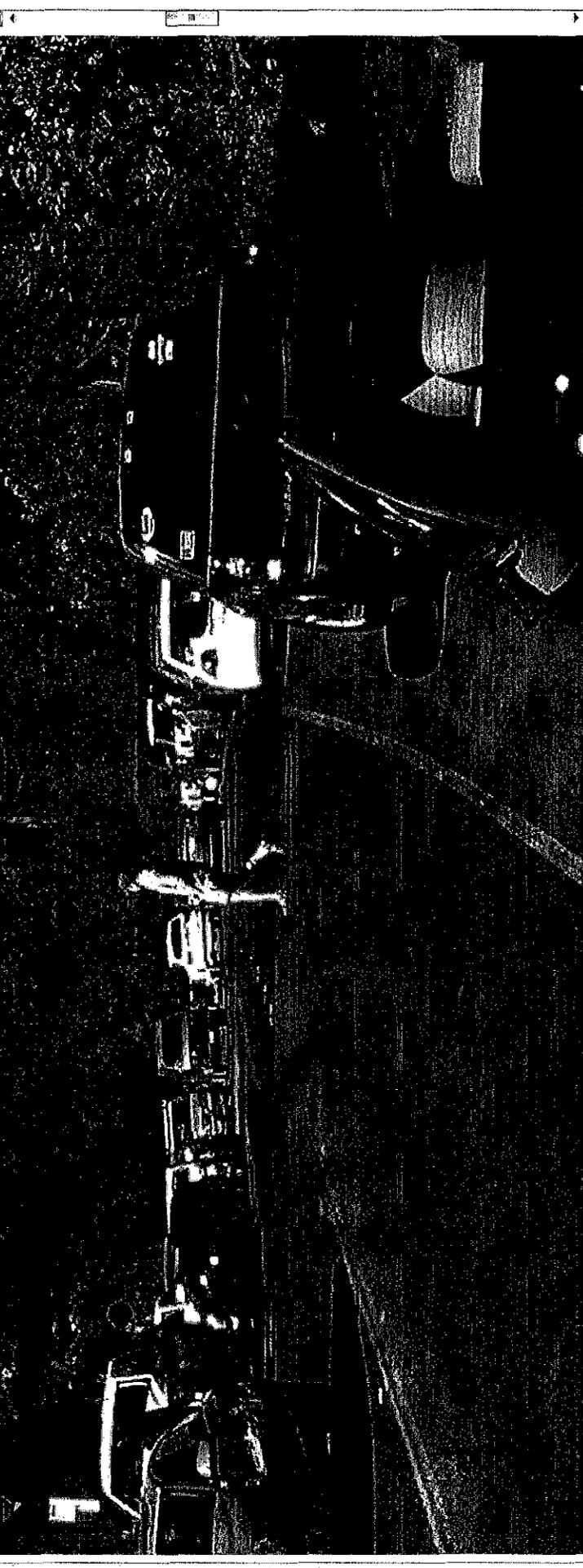
Message

Reply Reply Forward Reply To All Respond
 Delete Move to... Create Folder Other Actions...
 Block Sender Net Junk Junk Email...
 Safe Lists Categories Follow Up Unread Options
 Find Resources Select

Sent: Wed 12/03/2014 1:35 PM

You forwarded this message on 12/03/2014 1:41 PM.

From: Chris Wilcott [wvcolcott@gmail.com]
 To: Tracy Tesconi; Mika McGuire
 CC: Andrew L. Dieden
 Subject: Wilson winery on October 19, 2013



ActiveMap ... UPE10-0043... UPE10-0043... UPE10-0062... UPE10-0062... P1P14-0004... P1P14-0004... P1P05-0062... P1P05-0062... Wilson wine... Inbox - Mirc... Wilson wine...

1:55 PM 12/03/2014

Message

Reply Forward Delete Move to folder Other Actions
 Reply to All
 Safe List
 Block Sender
 Categories
 Related
 Find

You forwarded this message on 12/03/2014 1:51 PM.

From: Chris Wolcott [cwo1cott@aol.com]
 To: Tred Tesconi; Mike McGuire
 Cc: Andrew L. Dleden
 Subject: Wilson winery on October 19, 2013



County of Sonoma
Permit and Resource Management Department

Traci Tesconi, Project Planner

December 1, 2014

Re: File No. PLP05-0062,
4304 Dry Creek Road
APN 090-200-008

Thank you for your Notice regarding the **Revised Mitigated Negative Declaration** for the above project. I'm writing on behalf of the **Dieden Vineyard located at 4391 Dry Creek Road**. My father has grown zinfandel grapes in the Dry Creek Valley since 1976. Our family loves the Dry Creek Valley and this letter is submitted with the desire to embrace the need for growth in the Valley while, at the same time, preventing the devastation wrought by ad hoc industrialization of prime, bucolic agricultural land.

I have read Rancho Arroyo Seco's comments on the proposed project and the Dry Creek Valley Association's (DCVA) objection thereto. While the County's Revised Mitigation Report is thorough in many respects, the Dieden Vineyard shares each concern enumerated by Chris Wolcott, Arroyo's representative, as well as those identified by DCVA's Board of Directors.

In addition, the Dieden Vineyard has objections of its own. Specifically,

1. **Procedure:** The original approval for this project was given in 2007, without a hearing and without the same notice to affected neighbors as was given for this "reactivation" of the Use Permit and Design Review. Since the original approval, Applicant's permit has lapsed completely and conditions in the surrounding area have changed dramatically.
2. **Applicants' History of Noncompliance:** In addition to the subject property, the present Applicants own the Wilson Winery at 1960 Dry Creek Road. According to Appendix A of the "*Sonoma County Permit and Resource Management Department Winery Permit Approvals as of June 2014*", page 5, ledger no. 204, (attached hereto as "Exhibit A") the Wilson Winery is not authorized to conduct events. Yet, according to the Wilson Winery "Event Planning" web page ("Exhibit B"), Applicants host freely an apparently unlimited number of unauthorized events with "Capacity: 50 Guests" at the Wilson Winery. Applicants' Mazzocco Winery "Events" webpage even offers a guesthouse. Mazzocco Winery does not have an events use permit, either. (Exhibit A, p.7, ledger no. 250). As with the recent Bella Winery legal action, Event Use Permits should be denied to wineries with a track record of operating outside the rules.

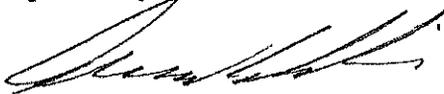
3. **Incomplete Water Analysis:** The Staff Analysis on water volume usage detailed on Revised Mitigation Report, page 58, is limited to calculations based on general “rules of thumb” of water usage by wineries. The water that will be necessary for landscaping, tasting rooms, and special events is missing from the Report. The Revised Mitigated Declaration should contain a complete, specific analysis of the probable groundwater to be used by the entire project. Further, in combination with the multitude of wineries located within ½ mile of the proposed project, the proposed project’s likely impact may not be “small scale” as represented on Mitigation Report, page 58, Section 2.
4. **Outdated, Inaccurate, Incomplete Traffic Analysis:** The traffic analysis conducted by W-Trans, Applicants’ contractor, is predicated on “counts collected by the County on *August 25, 2011*” (p.1, ¶ 2, *emphasis added*). As detailed in Exhibit A, the Revised Mitigated Negative Declaration, Arroyo’s letter of November 22, 2014, and DCVA’s objection, many new wineries have been approved in the three years since the County collected data. Even based on 2011 counts, the collision rate for that stretch of road exceeds the statewide average. Also, the winery staff and truck traffic as represented in the W-Trans report is vastly underestimated. For instance, the report assumes that just *SIX employees* will be required to serve the 100-person events. It’ll likely take six employees just to park cars. A reasonable estimate is an average of 65 additional car trips on Dry Creek Road, per day. Moreover, Dry Creek Road also serves Lake Sonoma boat traffic, so increased braking times should be considered in any traffic analysis. The Report also fails to account for bicycle traffic, which tends to be especially heavy at the same times the proposed events will be conducted. Finally, W-Trans claims that, based on a calculation-free sensitivity analysis, there would need to be about 203 vehicles turning left from Dry Creek Road to the proposed project **during a single hour** to warrant a left turn lane. There are few, if any, existing left turn lanes in Healdsburg that see 203 vehicles in a single hour. The proposed entry location is on a curve of 30-foot wide, 50 mph, highway with no shoulder. The location is already a traffic hazard. To approve the proposed project would expose the County to a multitude of colorable legal causes of action filed by injured citizens.

5. Incomplete Noise Analysis with Vague Requirements: The noise study submitted by Illingworth and Rodkin, Inc., Applicants' contractor, assumes that noise levels will not be exceeded because most events will use acoustic instruments. This should be a requirement, not an assumption. Further, Applicants' contractor recommended that sound amplification equipment be fitted with a "limiter" to prevent the sound level from exceeding 67 dBA at a distance of 50 feet. This recommendation should also be a mitigation requirement, not merely something referenced as a potential way to reduce amplified sound.

We believe the proposed project is ill-advised at this time, in the form submitted. The "events issue" is a major problem that needs to be resolved before this project can be appropriately considered. Until then, winery use permits that do not include permission to conduct events should be enforced.

We request the Board to exercise its authority, requiring Applicants to rewrite and resubmit the present application with specific, accurate, complete data from which the Board can make an informed decision about whether the project will contribute to positive growth in Dry Creek, or whether it will diminish its unique, delicate grandeur. In the alternative, if the Board decides the project must be approved in some form, the winery size, number of events, and event size should be reduced by at least 60% to ensure public safety and the character of the surrounding area.

Respectfully submitted,



Andrew L. Dieden
Dieden Vineyard
4391 Dry Creek Road
Healdsburg, CA 95448
(415) 302-2694

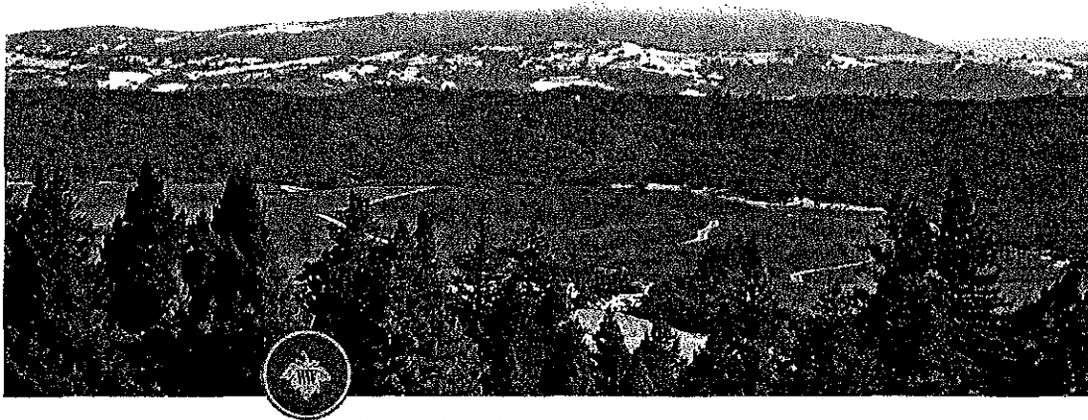
cc: file; Supervisor Mike McGuire; Jennifer Barnett, PRMD; Jason Liles, Planning Commissioner; Chris Wolcott, Rancho Arroyo Seco, Inc., Dry Creek Valley Citizen's Advisory Committee.

Appendix A: Sonoma County Permit and Resource Management Department Winery Permit Approvals as of June 2014

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Address	Winery Name	Address	City	Zip	Permit File #	Approval Date	Label	Winery Type	Production Capacity (Cases/Year)	Production/Event Type	Training Room Hours	Min. Size of Event (Permitted)	Max. Size of Event (Approved)	Event Fee (Per Person)	Country/Urban/State/Local	American Viticulture Practice Area	Other Viticulture Practices	Special Use District
1	02170013	CORONA STREET A TR	Petaluma	94954	UP001-0018	8/10/12/2012	2002	Production Only	350 NONE	Production/Teaching Room	8AM-5PM	None	None	None	No Not Applicable	Petaluma Gap		2nd
2	02170021	ENRIQUEZ ESTATE WINERY	Petaluma	94954	PLP02-0040	8/24/04-08A	2002	Production/Teaching Room	5000 APPT ONLY	Production/Teaching Room	8AM-5PM 10AM-4PM (MO-FR)	None	None	None	No Not Applicable	Petaluma Gap		2nd
3	021830005	KASTANIA VINEYARDS	Petaluma	94952	PLP00-0019	10/30/01-0899	2001	Production/Teaching Room	2500 APPT ONLY	Production/Teaching Room	10AM-5PM	None	None	None	No Not Applicable	Petaluma Gap		2nd
4	020600009	ALZARI VINEYARDS	Petaluma	94952	UP006-0055	8/30/06-031	2006	Production Only	8000 NONE	Production Only	None	None	None	None	No Not Applicable	Petaluma Gap		2nd
5	020600008	BURGER PAULI WINERY	Petaluma	94952	UP003-0170	8/24/04-06	1992	Production Only	3123 NONE	Production Only	None	None	None	None	No Not Applicable	Petaluma Gap		2nd
6	022220020	CLARK BUNCH WINES WINE STORAGE	Petaluma	94952	UP006-0058	5/10/05/25/2006	2006	Liquid Storage Only	0 NONE	Liquid Storage Only	None	None	None	None	No Not Applicable	Petaluma Gap		2nd
7	022220020	STONAGE	Petaluma	94952	UP006-0058	5/10/05/25/2006	2006	Liquid Storage Only	0 NONE	Liquid Storage Only	None	None	None	None	No Not Applicable	Petaluma Gap		2nd
8	022280002	SALTONSTALL ESTATE	Petaluma	94952	UP000-0038	5/11/11/09/2006	2006	Production/Teaching Room	5000 PUBLIC/APPT	Production/Teaching Room	7AM-6PM SK/ 7AM-8PM SU-FR	None	None	None	No Not Applicable	Petaluma Gap		2nd
9	026110010	BALSTREIN JOACUIN	SEbastopol	95472	UP007-0039	5/11/10/25/2007	2007	Production Only	10000 NONE	Production Only	None	None	None	None	No Not Applicable	Freestone-Occidental		5th
10	026120000	KISTLER BODEGA RANCH WINERY	BODIEGA	95472	PLP10-0050	8/24/02-08	2010	Production/Teaching Room/Events	7500 APPT ONLY	Production/Teaching Room/Events	10AM-5PM MO-FR	6	None	None	No Not Applicable	Freestone-Occidental		5th
11	026130007	GARRIC-LANGEBEN WINERY	SANTA ROSA	95404	UP006-0217	8/24/06-117	1996	Production Only	2500 NONE	Production Only	None	None	None	None	No Not Applicable	Not Applicable		1st
12	026130008	MOON STAR WINERY	SANTA ROSA	95404	UP009-0047	5/10/09/22/2009	2009	Production Only	800 NONE	Production Only	None	None	None	None	No Not Applicable	Not Applicable		1st
13	026130047	SPRING MOUNTAIN WEST VINEYARDS LLC	SANTA ROSA	95404	UP001-0176	5/10/08/22/2002	2002	Production Only	8000 NONE	Production Only	None	None	None	None	No Not Applicable	Not Applicable		1st
14	026130067	FISHER VINEYARDS	SANTA ROSA	95404	UP009-090	8/24/08-80	1979	Production Only	7000 NONE	Production Only	None	None	None	None	No Not Applicable	Not Applicable		1st
15	026130068	PRIDE MOUNTAIN VINEYARDS	SANTA ROSA	95404	UP005-0187	8/24/05-035	1995	Production/Teaching Room	2000 APPT ONLY	Production/Teaching Room	10am-5pm	None	None	None	No Not Applicable	Not Applicable		1st
16	026130069	ALBERG DANIEL TR	SANTA ROSA	95404	UP006-0123	8/24/06-072	1986	Production Only	4167 NONE	Production Only	None	None	None	None	No Not Applicable	Not Applicable		1st
17	026130072	LEDSON WINERY	SANTA ROSA	95409	UP006-0001	8/24/06-023	1998	Teaching Room/Events	0 PUBLIC	Teaching Room/Events	10AM-4:30PM	24	250	None	No Not Applicable	Sonoma Valley		1st
18	026130073	BELMONT HENRY A TR	KENWOOD	95452	UP006-0100	5/10/05/22/2007	2007	Production Only	350 NONE	Production Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
19	026130083	ANNAPOLIS VINEYARDS PARTNERS	SANTA ROSA	95408	UP009-0011	8/24/12-008	2012	Production/Teaching Room/Events	5000 APPT ONLY	Production/Teaching Room/Events	11AM-5PM	30	225	None	No Not Applicable	Sonoma Valley		1st
20	026130089	ANNAPOLIS ESTATE WINERY	SANTA ROSA	95408	UP009-0017	8/24/12-045	2007	Production/Teaching Room/Events	6000 PUBLIC	Production/Teaching Room/Events	10AM-4PM	20	250	None	No Not Applicable	Sonoma Valley		1st
21	026130090	6705 HWY 12 LLC	SANTA ROSA	95409	UP009-0100	8/24/09-110	1990	Production Only	20000 NONE	Production Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
22	026130091	ADLER FELS WINERY	SANTA ROSA	95409	UP009-0100	8/24/09-110	1990	Production Only	4000 NONE	Production Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
23	026130092	YAHU KATHY J ET AL	FULTON	95439	UP006-0022	8/24/06-148	1990	Production/Teaching Room/Events	5000 APPT ONLY	Production/Teaching Room/Events	8AM-5PM	10	None	None	No Not Applicable	Russian River Valley		4th
24	026130093	ROBERT RUE WINERY	SANTA ROSA	95401	UP001-0085	8/24/02-28/2007	2007	Production/Teaching Room/Events	5000 NONE	Production/Teaching Room/Events	None	None	None	None	No Not Applicable	Russian River Valley		4th
25	026130094	BENVOIA WINERY	SANTA ROSA	95401	UP001-0094	8/24/02-038	1992	Production/Teaching Room	5000 APPT ONLY	Production/Teaching Room	None	None	None	None	No Not Applicable	Russian River Valley		4th
26	026130095	BATTAGLINI ESTATE WINERY	SANTA ROSA	95401	UP006-0115	5/11/12/18/2007A	2007	Production/Teaching Room	5000 NONE	Production/Teaching Room	None	None	None	None	No Not Applicable	Russian River Valley		4th
27	026130096	PITTS BENDALL STEWART	SANTA ROSA	95401	UP003-0011	5/10/02/28/2013	2013	Production Only	5000 NONE	Production Only	None	None	None	None	No Not Applicable	Russian River Valley		4th
28	026130097	TEAC NOK FAMILY WINERY	PENNINGROVE	94951	UP007-0011	8/24/07-074	1984	Production Only	3500 PUBLIC	Production/Teaching Room	10AM-4PM	None	None	None	No Not Applicable	Petaluma Gap		2nd
29	026130098	SONOMA APERITIF	SANTA ROSA	95404	UP004-0145	8/24/04/16/2014	2014	Production Only	84 NONE	Production Only	None	None	None	None	No Not Applicable	Bennett Valley		1st
30	026130099	BENNETT VALLEY CELLARS	SANTA ROSA	95404	UP009-0160	8/24/09/17/1997	1997	Production/Teaching Room/Events	35000 PUBLIC	Production/Teaching Room/Events	8AM-5PM	12	500	None	No Not Applicable	Bennett Valley		1st
31	026130100	MATYANZAS OBEK WINERY	SANTA ROSA	95404	PLP02-0005	8/09/03-086A	2003	Production/Teaching Room	5000 APPT ONLY	Production/Teaching Room	None	None	None	None	No Not Applicable	Bennett Valley		1st
32	026130101	KATRINA WILHELM	SANTA ROSA	95404	UP003-0042	5/10/06/17/2014	2014	Production Only	500 NONE	Production Only	None	None	None	None	No Not Applicable	Bennett Valley		1st
33	026130102	SABLE RIDGE VINEYARDS	SANTA ROSA	95404	UP003-0042	5/10/06/17/2014	2014	Production Only	1500 NONE	Production Only	None	None	None	None	No Not Applicable	Bennett Valley		1st
34	026130103	BLACK MITCHELL G	KENWOOD	95452	UP003-0107	5/10/07/20/2000	2000	Production Only	25 APPT ONLY	Production/Teaching Room	7AM-5PM	None	None	None	No Not Applicable	Sonoma Valley		1st
35	026130104	COLIN LEE VINEYARDS & WINERY	KENWOOD	95452	UP007-0032	5/10/07/13/2000	2000	Production/Teaching Room/Events	125000 PUBLIC	Production/Teaching Room/Events	10AM-6PM	10	200	None	No Not Applicable	Sonoma Valley		1st
36	026130105	MACLEOD FAMILY WINERY	KENWOOD	95452	UP009-0019	5/10/07/13/2000	2000	Production/Teaching Room/Events	0 PUBLIC	Production/Teaching Room/Events	10AM-6PM	None	None	None	No Not Applicable	Sonoma Valley		1st
37	026130106	ST ANNE'S CROSSING	KENWOOD	95452	UP007-0018	5/10/07/10/2007	2007	Teaching Room Only	0 PUBLIC	Teaching Room Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
38	026130107	TASTING ROOM IN KENWOOD	KENWOOD	95452	UP007-0018	5/10/07/10/2007	2007	Teaching Room Only	0 PUBLIC	Teaching Room Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
39	026130108	VILLAGE SHOPPING CENTER	KENWOOD	95452	UP008-0086	5/10/07/06/2009	2009	Teaching Room Only	0 PUBLIC	Teaching Room Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
40	026130109	EMERSON TASTING ROOM	KENWOOD	95452	UP004-0009	5/10/05/16/2014	2014	Teaching Room/Events	0 PUBLIC	Teaching Room/Events	11AM-6PM	9	70	None	No Not Applicable	Sonoma Valley		1st
41	026130110	ORPHEUS TASTING ROOM	KENWOOD	95452	UP004-0009	5/10/05/16/2014	2014	Teaching Room/Events	0 PUBLIC	Teaching Room/Events	10AM-5PM	None	None	None	No Not Applicable	Sonoma Valley		1st
42	026130111	PARADISE RIDGE TASTING ROOM	KENWOOD	95452	UP007-0052	5/10/07/15/2007	2007	Production Only	210 NONE	Production Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
43	026130112	W & MATHLEEN M	KENWOOD	95452	UP005-0175	5/10/07/17/1995	1995	Production Only	210 NONE	Production Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
44	026130113	MCCLEOD SCOTT W & KATHLEEN M	GLENN ELLIEN	95452	UP006-0078	5/10/05/29/1996	1996	Production Only	500 NONE	Production Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
45	026130114	DEERFIELD RANCH WINERY	1310 WARM SPRINGS RD	95452	UP006-0078	5/10/05/29/1996	1996	Production/Teaching Room/Events	45000 PUBLIC	Production/Teaching Room/Events	10AM-4:30PM	20	250	None	No Not Applicable	Sonoma Valley		1st
46	026130115	STEELE RANCH	10200 HWY 12	95452	UP001-0050	8/03/11/15/2011	2011	Production/Teaching Room/Events	0 PUBLIC	Production/Teaching Room/Events	None	None	None	None	No Not Applicable	Sonoma Valley		1st
47	026130116	WIB CELLAIS	80 SHAW AVE	95452	PLP05-0019	8/05/07-0848	2004	Teaching Room Only	0 PUBLIC	Teaching Room Only	10AM-4PM	None	None	None	No Not Applicable	Sonoma Valley		1st
48	026130117	B WISE TASTING ROOM	KENWOOD	95452	UP002-0078	8/05/07/13/2002	2002	Teaching Room Only	0 PUBLIC	Teaching Room Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st
49	026130118	MAYO FAMILY WINERY RESERVE	KENWOOD	95452	UP006-0004	8/24/06-027	1996	Teaching Room Only	0 PUBLIC	Teaching Room Only	10AM-4:30PM	None	None	None	No Not Applicable	Sonoma Valley		1st
50	026130119	TASTING ROOM	KENWOOD	95452	UP002-0078	8/24/06-027	1996	Teaching Room Only	0 PUBLIC	Teaching Room Only	10:30AM-6PM	None	None	None	No Not Applicable	Sonoma Valley		1st
51	026130120	MUSCARDINI CELLARS	KENWOOD	95452	UP002-0078	8/24/06-027	1996	Teaching Room Only	0 PUBLIC	Teaching Room Only	None	None	None	None	No Not Applicable	Sonoma Valley		1st

Appendix A: Sonoma County Permit and Resource Management Department Winery Permit Approvals as of June 2014

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Agency/Permit Number	Winery Name	Address	City	3D CAD File	FRAPD File	Agency Document	Number of Winery/Alcohol Provisions	Winery Type	Production Capacity (Gallons/Year)	Winery/Type	Winery Hours	Number of Winery/Alcohol Provisions Approved	Permit Fee (No. of Provisions Approved)	Term (No. of Years)	County/State/Service Area	American/Vineyard Area	Climate Advisory Committee	Superintending District
090740027	VC CELLAIS	6561 DRY CREEK RD	HEALDSBURG	UP607-00828	SAU05/12/2014	2014	Production/Testing Room	20000 PUBLIC	10AM-5PM	10AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
090240044	CHATEAU DIANA WINERY	6155 DRY CREEK RD	HEALDSBURG	UP608-0082	8ZAD8-022	2008	Production/Testing Room	15000 PUBLIC	10AM-6PM	10AM-6PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091010015	HART'S DESIRE WINERY AND OTHERS	38850 HASSETT LN	GEYSERVILLE	UP602-0094	SA11/20/2002	2002	Production Only	22000 NONE			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Alexander Valley	Alexander Valley	4th	
091030043	JORDAN VINEYARD & WINERY	1474 ALEXANDER VALLEY RD	HEALDSBURG	PLP00-0094	SAU08/13/2012	2012	Production/Testing Room	250000 APPT ONLY	7AM-6PM	7AM-6PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Alexander Valley	Dry Creek Valley CAC	4th	
091120077	NADIR GAMINI	1720 CHIQUITA RD	HEALDSBURG	UP600-0117	8ZAD0-480	2001	Production Only	20000 NONE			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091120088	RIDGE VINEYARDS	650 LYTTON SPRINGS RD	HEALDSBURG	PLP99-0103	8ZAD0-016	2000	Production/Testing Room/Events	60000 PUBLIC	11AM-4:30PM	11AM-4:30PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091140083	MONTI CLARE VINEYARDS	3750 LYTTON SPRINGS RD	HEALDSBURG	UP600-0128	SA11/22/2000	2000	Production/Testing Room/Events	4000 APPT ONLY	10AM-5PM	10AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091140091	MAZZOCCO WINERY	1400 LYTTON SPRINGS RD	HEALDSBURG	UP608-0216	8ZAD8-453	1988	Production/Testing Room	35000 PUBLIC	11AM-4:30PM	11AM-4:30PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091150011	NALDE WINERY	2388 DRY CREEK RD	HEALDSBURG	UP600-0090	SA11/03/2003	2003	Production/Testing Room	10000 PUBLIC/APPT	5AM/5U-5R	5AM/5U-5R	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091160027	MAURITSON FAMILY WINERY	2889 DRY CREEK RD	HEALDSBURG	UP601-0101	8ZAD0-033	2002	Production/Testing Room/Events	25000 PUBLIC	10AM-5PM	10AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091510025	SOPHIE'S CELLARS TASTING ROOM	25178 HWY 116	MONTE RIO	8P97-0285	SA11/12/1987	1987	Production/Testing Room/Events	0 PUBLIC			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Not Applicable		5th	
091510028	WINE TASTING ROOM	555 HWY 1	BODERA BAY	8P97-0282	SAU02/26/2014	2014	Production/Testing Room Only	0 PUBLIC			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Not Applicable		5th	
091510046	CHATEAU TIMOTHY C	4801 MADDOCKS RD	SEASTOPOL	UP605-0010	8ZAD0-019	2006	Production Only	900 NONE			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Not Applicable		5th	
091510055	CASTLE VINEYARDS	5760 GREEN VALLEY RD	SEASTOPOL	UP605-0085	SAU05/14/2008	2008	Production Only	500 NONE			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Green Valley		5th	
091510060	FORT ROSS VINEYARD & WINERY	15725 METERS GRADE RD	JENNER	UP605-0027	80305-0794	2010	Production/Testing Room/Events	0 PUBLIC			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Fort Ross/Seaview		5th	
091510074	HIRSCH VINEYARDS	45075 SOHAN DILLON RD	CAZADERO	UP601-0081	8ZAD0/28/2002	2002	Production Only	15000 NONE			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Fort Ross/Seaview		5th	
091510095	WILD HOG VINEYARDS	20304 KING RIDGE RD	CAZADERO	UP609-0175	SAU08/22/1988	1988	Production Only	1000 NONE			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Fort Ross/Seaview		5th	
091510109	FLOWERS WINERY	28500 SEAVIEW RD	CAZADERO	UP601-0153	80309-0778	2003	Production Only	20000 NONE			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Fort Ross/Seaview		5th	
091510122	DAVERO WINERY	705 WESTSIDE RD	HEALDSBURG	UP610-0018	SAU04/09/2013	2013	Production/Testing Room/Events	3000 PUBLIC	10AM-5PM	10AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091510136	UPITCK VINEYARDS	779 WESTSIDE RD	HEALDSBURG	UP609-0063	8ZAD0-007	2010	Production/Testing Room/Events	20000 PUBLIC	11AM-5PM	11AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091510202	MILL CREEK VINEYARDS & WINERY	1401 WESTSIDE RD	HEALDSBURG	UP609-002A	8ZAD0-901	1981	Production/Testing Room	22000 PUBLIC	10AM-5PM	10AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091510205	MATRIX WINERY	3021 WESTSIDE RD	HEALDSBURG	UP601-0095	80301-1294	2001	Production/Testing Room	50000 PUBLIC	9:30AM-5PM	9:30AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510208	TIMOTHY CELLARS	5000 WESTSIDE RD	HEALDSBURG	UP609-011	8ZAD0-011	1989	Production/Testing Room/Events	20000 PUBLIC	10AM-5PM	10AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510228	VAIL WINERY	4235 WESTSIDE RD	HEALDSBURG	UP607-0016	8ZAD0-023	1997	Production/Testing Room/Events	150000 PUBLIC	10AM-4:30PM	10AM-4:30PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510255	LION NATHAN USA INC	4805 WESTSIDE RD	HEALDSBURG	UP607-0023	8ZAD0-024	2011	Production/Testing Room	10000 PUBLIC	10AM-5PM	10AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510302	DE LA MONTANIA WINERY	599 FOREMAN LN	HEALDSBURG	UP600-0001	8ZAD0-035	2000	Production/Testing Room	10000 PUBLIC	10AM-4:30PM	10AM-4:30PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091510308	ARMIDA WINERY	2201 WESTSIDE RD	HEALDSBURG	UP611-0071	8ZAD0-011	2013	Production/Testing Room/Events	32000 PUBLIC	11AM-5PM	11AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091510320	PASSALACQUA WINERY	2062 MILL CREEK RD	HEALDSBURG	UP609-011	8ZAD0-983	1980	Production Only	12000 NONE			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Dry Creek Valley	Dry Creek Valley CAC	4th	
091510326	HOG ESTATE WINES	6050 WESTSIDE RD	HEALDSBURG	UP602-011	8ZAD0-974	1975	Production/Testing Room	21026 PUBLIC			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510328	ROCHELL VINEYARDS AND WINERY	6102 WESTSIDE RD	HEALDSBURG	UP609-0019	SAU06/26/2003	2003	Production/Testing Room	15000 PUBLIC	8AM-6PM	8AM-6PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510329	LANDY VINEYARDS	2847 SWEETWATER SPRINGS RD	HEALDSBURG	UP607-0080	SAU05/28/2009	2009	Production/Testing Room/Events	5000 APPT ONLY	10AM-5PM	10AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510330	JOHN TAYLOR WINES	4351 WESTSIDE RD	HEALDSBURG	UP604-0045	SAU05/04/2008	2008	Production/Testing Room/Events	0 PUBLIC			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510331	THOMAS GEORGE ESTATES	8075 WESTSIDE RD	HEALDSBURG	UP610-0019	SAU07/24/2010	2010	Production/Testing Room/Events	20000 PUBLIC	10AM-5PM	10AM-5PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510332	HIGHER TOWER CELLARS	8025 WESTSIDE RD	HEALDSBURG	UP610-010	SAU06/20/2010	2010	Production Only	500 NONE			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510333	POWER VINEYARDS	8765 WESTSIDE RD	HEALDSBURG	UP606-0138	8ZAD0-446	1986	Production/Testing Room	9000 PUBLIC	10AM-4PM	10AM-4PM	No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510334	ALLEN FAMILY VINEYARDS	6575 WESTSIDE RD	HEALDSBURG	UP604-0013	SAU05/15/2004	2004	Production/Testing Room	15000 APPT ONLY			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	
091510335	GEORGINA WINERY	6914 WESTSIDE RD	HEALDSBURG	UP610-0021	SAU11/24/2010	2010	Production/Testing Room Only	0 PUBLIC			No Not Applicable	No Not Applicable	No Not Applicable	No Not Applicable	Russian River Valley	Russian River Valley CAC	4th	



Home Our Story Visit Us **Wine Shop** Wine Club Events Food & Wine Contact

Calendar Event Planning Event Photo Gallery



Host an Event at Wilson

Capacity: 50 Guests

Enjoy a stunning sunset event at Wilson Winery, overlooking the views of the spectacular Dry Creek Valley.

The property exudes rustic and pastoral moods, amidst some of the most beautiful vineyards in Sonoma County.

Celebrate your special event with a reception, cocktail party or rehearsal dinner on our outdoor terrace which accommodates up to 50 guests. Fill your Wine Cellar with our award winning wines so your guests can enjoy the best the valley has to offer.

Your Wine Cellar purchase is based on 1/2 a bottle per person. Your personalized

Wilson Artisan Winery Cellar may be purchased using your club discount from Wilson Winery and/or any of our sister properties. The facility fee is \$2,500 for a special event from 6 to 10 PM. A closing manager will keep a caring eye during your event to help facilitate your event at our winery. For more information, please click on Winery Amenities below.

Club Members: Wilson Winery extends a 20% facility fee discount to all Wilson Artisan Winery club members plus their club discount on the Wine Cellar purchase.

Don't worry about traveling home after your event; reserve your stay down the road at the Calderwood Inn and the Grape Leaf Inn, both Wilson Artisan Winery properties where a gourmet breakfast awaits you after a good night's rest.

If you are interested in hosting a wedding, del. or mixer or Soda Rock wineries offer wonderful venues in neighboring Alexander Valley.

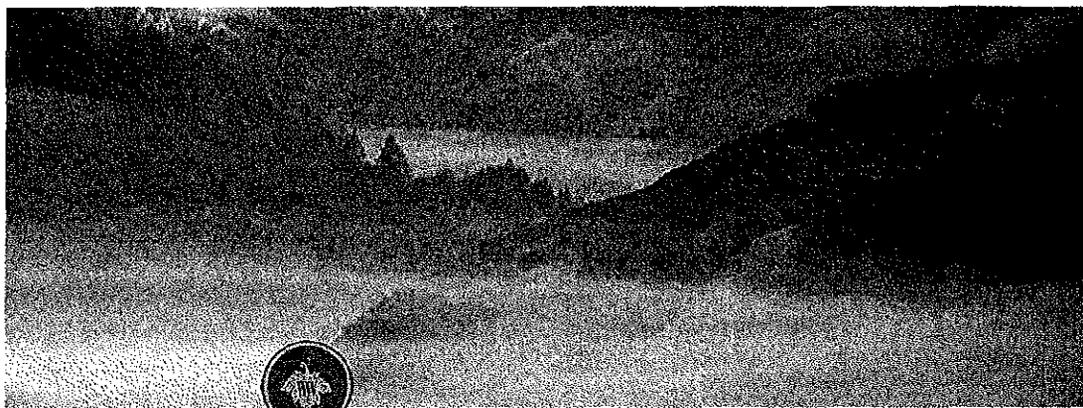
Winery Amenities

Other Details

Insurance

We request a \$1,000,000.00 liability policy on file at the time of reservation confirmation.





Home Our Story Visit Us Wine Shop Wine Club Events Food & Wine Contact



Wilson Winery
will be closed
December 6, 2014
for a private club holiday event

Welcome to Wilson Winery

The Dry Creek Valley, at the very heart of California's Sonoma Wine Country, is the source of the world's finest Zinfandels. But it is the award-winning Zinfandels of Wilson Winery that truly epitomize this extraordinary place.

Cross the winery's century-old threshold and enter a realm utterly unlike any other - steeped in tradition, devoted to quality, and inextricably tied to a family, its land, and its legacy. For more than twenty years, as they nurtured their prized Zinfandel vines, the Wilson family has lovingly restored the historic winery, preserving the best of the past while investing in a fruitful future.

Just minutes from charming Healdsburg, the sweeping vistas from Wilson Winery's oak-shaded tasting room inspire awe, but it's the hand-grown, single vineyard Zinfandels that thrill the senses. Proudly presented by winemaker Diane Wilson and her husband Ken, these sought-after wines capture the very essence of the Dry Creek Valley, a very particular place where the divinely inspired partnership of nature and winemaker finds fullest expression in every finely crafted bottle.



Sweepstakes Winner
Sonoma County
Harvest Fall

94 "Point"
Napa County

Sweepstakes Winner
SF Chronicle
Wine Competition



Home | Our Story | Visit Us | Wine Shop | Wine Club | Events | Food & Wine | Contact

Calendar | Event Planning | Event Photo Gallery



Events Calendar

Wine Club Event
Winery Event

< >

September 2014

today

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 Whitewater Raft Trip	2	3	4	5 Summer Music Series at Wilson ...	6	
7	8	9	10	11 Summer Music Series at Wilson ...	12 2nd Annual Harvest Moon Party ...	13
14	15	16	17	18 Summer Music Series at Wilson ...	19	20
21	22	23	24	25 Summer Music Series at Wilson ...	26	27
28	29	30				3rd Annual Crush Party Wilson ...

December 8, 2014

Traci Tesconi
Permit and Resource Management Department
2550 Ventura Avenue,
Santa Rosa, CA 95403
e-mail: Traci.Tesconi@sonoma-county.org

RE: Use Permit Project at 4304 Dry Creek Road, Healdsburg; APN090-200-008

Dear Ms. Tesconi:

We are a neighbor to, and grape grower for, Mazzocco Winery which is a property owned by Ken and Diane Wilson.

We understand that Ken & Diane Wilson are applying for an extension on their use permit for the proposed project located at 4304 Dry Creek Road, Healdsburg. These applications sometimes create points of contention with the neighbors.

If there are "neighbor relations" concerns to the proposed winery project on 4304 Dry Creek Road, we can vouch that as neighbors to Mazzocco Winery, we fully support the proposed project.

We have been neighbors since they purchased Mazzocco Winery in 2005 and we have not experienced any problems or have any complaints regarding any winery activities. They are good neighbors and we have good relations with them and the winery. They seem to respect the surrounding neighbors in the vicinity of the winery.

Diane & Ken Wilson have also been strong community-driven supporters and have been instrumental in the following:

- Ability to take a failing winery and make it thrive as in the case of Mazzocco by reducing its production and focusing on direct to consumer sales
- Support the local community by purchasing grapes locally
- Creation of local jobs
- Give back to the community through their non-profit Children of Vineyard Workers Scholarship charitable organization
- Support other local charities such as sponsoring the Raven Performing Art Theater and the Healdsburg Rotary Crab Feed
- Enhance the quality of life for farmers and local community as a whole

Should you have any questions we can be reached at (707) 433-6032.

Sincerely,

Bill and Shelli Sullivan
1090 Lytton Springs Road
Healdsburg, CA 95448

cc: Mike McGuire -- Supervisor 4th District -- mikemcguire@sonoma-county.org
Jason Liles -- DCV Planning Commissioner -- jason@liles.net
Susan Gorin -- Supervisor 1st District -- Susan.Gorin@sonoma-county.org
David Rabbitt -- Supervisor 2nd District -- David.Rabbitt@sonoma-county.org
Shirlee Zane -- Supervisor 3rd District -- Shirlee.Zane@sonoma-county.org
Efren Carrillo -- Supervisor 5th District -- Efren.Carrillo@sonoma-county.org

December 8, 2014

Traci Tesconi
Project Planner, PRMD, 2550 Ventura Avenue, Santa Rosa, CA 95403

Shawn Montoya, Chair, Greg Carr, Paula Cook, Jason Liles, Tom Lynch
Board of Zoning Adjustments

Concerning Wilson Permit Reactivation, PLP05-0062, 4304 Dry Creek Road

The Dry Creek Valley Citizens Advisory Council (DCVCAC) received the Notice of Public Hearing for reactivation of PLP05-0062 dated November 11, 2014 prior to our meeting of November 20, 2014. At that meeting the council asked me as Chair to comment on the recommendations we made on this application in order to be certain that our input was fresh in the record. I do that now.

On August 15, 2013, the DCVCAC considered the application for reactivation of PLP05-0062. We recommended that the application be denied based on the significant time lapse since the original application and the multiple new wineries, tasting rooms, and events that had been permitted in the neighborhood on Dry Creek Road. At the time of our consideration we had only the project referral dated July 8, 2013. We could not comprehend how this application originally submitted in 2005, having undergone 3 revisions, 2 public hearing waivers, 1 extension request, 1 expiration notice, 1 appeal of expiration, 1 withdrawal of appeal, and 1 application for reactivation could still be a valid, timely application. Further, we knew that during this time lapse, use permits had been approved for Rued winery/tasting room, Yellow Dog tasting room, Kachina winery/tasting room, and Peche Merle winery/tasting room and that new wineries/tasting rooms had been added at the Timbercrest Farms Wine Collective for Amphora, Kokomo, Papapietro Perry and Peterson. All of these developments are within one half mile of 4304 Dry Creek Road. We believed that the application and any related studies were out of date and that a new application should be filed.

It was also the consensus of the DCVCAC in August 2013 that the county should not approve use permits when the applicant has outstanding, non-compliance issues. We made no judgment on the merits of this project as a new application.

That completes my remarks at the request of the DCVCAC. From here forward I am commenting on my own behalf.

I have recently received and studied the new documents concerning this application. My analysis of the Background section of the Staff Report supports the contention that this project should be considered as a new application. The report takes two pages and seven very complicated paragraphs in an attempt to justify why this application should qualify for reactivation. It then states that "the request was processed by PRMD similar to a new Use Permit Application". It was determined that an updated MND, Noise Study, and Traffic Study were required. If staff believed that this 2005 application should be managed as a new application and required all new

studies and documentation, how can it now be considered as a reactivation? Reactivation should be denied and a new application requested.

If this project were to come forward today as a new application, I would consider it as a mostly viable project with reasonable capacity for Dry Creek Valley, appropriate physical facilities for the capacity requested, grapes on site for about half of the requested capacity and a commitment to use local grapes for the remainder, and a mostly reasonable request for wine marketing events. I do have a problem, in spite of precedents, considering weddings as wine marketing events. However, the location of this project is potentially a serious concern. And, I believe the analysis of traffic, detrimental concentration of uses, and damage to rural character are too flawed and inadequate as they stand to allow approval.

The Traffic Study uses traffic counts from 2011 before many of the new projects discussed above were in operation. It does not consider traffic levels when there are multiple events at the many wineries in the neighborhood. It does not consider bicycle and towed boats traffic which are growing. The conclusion that the proposed winery will generate 50 new daily trips is based only on employee, winery operations and tasting room traffic on a normal day. It does not include events traffic which will at least triple the number of new daily trips on events days. The study does not even attempt to study cumulative traffic impacts of the many wineries, tasting rooms and events along this section of Dry Creek Road.

The conclusion that this project will not constitute a detrimental concentration of such uses or be detrimental to rural character is superficial and premature at best. First, it is based on a flawed traffic study as described above. After correctly stating that a standard to measure concentration of land uses has not been established by PRMD, it uses a comparison with three examples. One example is at 8500 West Dry Creek Road not Dry Creek Road as stated. One example is in Alexander Valley which has far less concentration of wineries, tasting rooms, events and residences and far larger average parcels than Dry Creek Valley. And one example is a distillery with no tasting room or events in Geyseville which is essentially irrelevant. The analysis also points out that for each of the long list of recently approved wineries, tasting rooms and events in the neighborhood, the findings concluded that "that adding one more winery and tasting room along Dry Creek Road does not result in overconcentration". And therefore adding this one will not result in detrimental concentration? The reasoning for concluding that this project will not be detrimental to rural character is also flawed in a similar manner. It is based on countywide averages of events per winery and precedents of other approved wineries in the neighborhood. Following this line of reasoning forward will result in an infinite number of project crammed together which are judged to not result in a detrimental concentration of uses or be detrimental to rural character. This has to have an end point! This project should not be approved until these required analyses are completed correctly.

The DCVCAC recommendation and comments from several neighbors all express concern with approving this use permit while the applicant has non-compliance issues at other wineries. I know this is a very controversial subject and actually I am personally reticent to push such an argument. However, since it has been raised, I must agree that the county has a real problem with wineries whose use permits are silent on events and where major events are obviously taking place. I also want to state that I know that the permits for Wilson Winery and Mazzocco

Winery are silent on events but that major events are being held. These events are being advertised on their websites. I have personally observed them as a neighbor. I am most willing to bring forward documentation at an appropriate time. However, I would much rather see this resolved by agreement to apply for new permits than through the code enforcement process. I must also say, in fairness, that I believe the events advertised and which I observe (with the exception of weddings) are mostly appropriate wine marketing events. But they must be permitted or this dilemma will grow. This is just one now visible example but there are many more. I believe that the BZA should use their authority to request that new applications be submitted to permit the events that are being held and are desired to be held in the future.

Finally, I summarize my recommendations:

1. BZA should deny the reactivation of PLP05-0062 and request that a new application be submitted.
2. BZA should continue to press PRMD to complete its job as defined in General Plan 2020, Policy AR-6g, and define which events are truly wine marketing and supportive of local agriculture and which are not and define their permissible sizes and intensities. This will require among other things real definition of detrimental concentration of uses and damage to rural character.
3. BZA should press PRMD to define a policy and process for addressing events that are being held at wineries whose permits are silent on events.
4. Independent of this application, the BZA should request that new use permit applications be submitted for events to be held at Wilson and Mazzocco Wineries.

Respectfully Submitted,
Fred Corson
3211 West Dry Creek Road
fpcorson@digitalpath.net
433-7216

McCall Miller

To: Traci Tesconi
Subject: RE: Use Permit Project at 4304 Dry Creek Road, Healdsburg; APN090-200-008

From: Lincoln Chris [<mailto:lincolnchris100@gmail.com>]

Sent: December 09, 2014 10:21 AM

To: Traci Tesconi

Cc: Mike McGuire; jason@liles.net; Susan Gorin; David Rabbitt; Shirlee Zane; Efren Carrillo

Subject: Use Permit Project at 4304 Dry Creek Road, Healdsburg; APN090-200-008

December 8th, 2014

Traci Tesconi

Permit and Resource Management Department

2550 Ventura Avenue,

Santa Rosa, CA 95403

e-mail: Traci.Tesconi@sonoma-county.org

RE: Use Permit Project at 4304 Dry Creek Road, Healdsburg; APN090-200-008

Dear Traci Tesconi:

I am an immediate neighbor to Mazzocco Winery which is a property owned by Ken and Diane Wilson.

I understand that Ken & Diane Wilson are applying for an extension on their use permit for the proposed project located at 4304 Dry Creek Road, Healdsburg. These applications sometimes create points of contention with the neighbors.

If there are "neighbor relations" concerns to the proposed winery project on 4304 Dry Creek Road, I can vouch that as an immediate neighbor to Mazzocco Winery I fully support the proposed project.

We have been neighbors since they purchased Mazzocco Winery in 2005 and I have no complaints whatsoever on anything that happens there. They are the best of neighbors and cause no problems -- they always react positively and resolve any issues immediately.

Diane & Ken Wilson have also been strong community-driven supporters and have been instrumental in the following:

- Ability to take a failing winery and make it thrive as in the case of Mazzocco by reducing its production and focusing on direct to consumer sales

- Support the local community by purchasing grapes locally
- Creation of local jobs
- Give back to the community through their non-profit Children of Vineyard Workers Scholarship charitable organization
- Support other local charities such as sponsoring the Raven Performing Art Theater and the Healdsburg Rotary Crab Feed
- Enhance the quality of life for farmers and local community as a whole

Should you have any questions I can be reached at [415 547-0116](tel:4155470116).

Sincerely,

Lincoln A Chris

1100 Lytton Springs Road

Healdsburg CA 95448

LincolnChris100@gmail.com

--

McCall Miller

To: Traci Tesconi
Subject: RE: Use Permit Project 4304 Dry Creek Road, Healdsburg, CA, APN 090-200-008

From: Craig Messick [<mailto:cmessick@att.net>]
Sent: December 09, 2014 11:57 AM
To: Traci Tesconi
Cc: Mike McGuire; jason@liles.net; Susan Gorin; David Rabbitt; Shirlee Zane; Efren Carrillo; antoine@mazzaco.com
Subject: Use Permit Project 4304 Dry Creek Road, Healdsburg, CA, APN 090-200-008
Importance: High

Craig A. MESSICK
6275 W. Dry Creek Road
Healdsburg, CA 95448
(707) 433-1966, (707) 529-1909 cell
cmessick@att.net

December 8, 2014

Traci Tesconi
PRMD

RE: Use Permit Project 4304 Dry Creek Road, Healdsburg, CA, APN 090-200-008

To Whom it May Concern:

I would like to offer some comments to be entered into the record on behalf of Ken Wilson and the referenced Use Permit Project.

I have known Ken Wilson since 1997 when I purchased my property from him which is adjacent to the Wilson Sawyer Vineyard and for which we share the same road. The Sawyer vineyard has always been well cared-for, clean and worked sustainably as evidenced by its many award winning wines. In short he has been an excellent neighbor.

In my opinion, Ken and his company have consistently added value to his properties, many neighboring properties, the Dry Creek Valley and to the Dry Creek Valley Wine Brands.

I therefore want to add my support for the subject Use Permit Project

Regards,

Craig A. Messick

Date: December 9, 2014

To: Traci Tesconci traci.tesconci@sonoma-county.org
Project Planner III PRMD 2550 Ventura Ave Santa Rosa, CA 95403

From: Dry Creek Valley Association Board

Subject: Wilson Permit Reactivation Request File: PLP05-0062 – 4304 Dry Creek Road

Three years ago, the Dry Creek Valley Association (DCVA) formally petitioned the County of Sonoma to conduct a cumulative impact assessment, as required under the California Environmental Quality Act (CEQA). See Attachment 1.

The proposed location of this Use Permit is one of the areas identified in our 2011 request as an area of “detrimental concentration” based on the number of permitted tasting rooms. Conditions have changed since 2007 and a cumulative impact assessment, including an assessment of the impact to rural character from the concentration of tasting rooms and events, is required before any additional Use Permits are granted.

Per the County’s winery database, the Dry Creek Appellation includes 78 approved wineries or tasting room/event centers; however, only 33 of these facilities are permitted to hold a cumulative total of 417 events/year. Approving a new winery facility with events that “run with the land” is not sustainable, nor justifiable, absent an analysis of the potential impacts of events at the 45 existing facilities. Extrapolating the traffic, noise and visual impacts of over 1000 events/year needs to be assessed first. And, all tasting/event approvals evaluated based on cumulative, not incremental, impacts. (See Attachment 2)

Under CEQA, cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Conditions along this stretch of Dry Creek road have changed significantly since 2007, as have County policy/ standards relative to event centers and development near riparian corridors. Of particular concern are the requests for 1) a Commercial Kitchen and 2) outdoor entertainment space: Williamson Act properties are not intended to morph into restaurants and event venues.



DRY CREEK VALLEY ASSOCIATION

CULTIVATING VALLEY LIVES & LIVELIHOODS

Several criteria for Detrimental Concentration and cumulative impact are present with this project: 1) the removal of agricultural production to build a large facility and parking for 100 person events, 2) the concentration of tasting rooms in this location, 3) the requirement for a new well; and 4) joint road use conflicts given Dry Creek is a designated bikeway, yet no bicycle counts have been factored into the analysis.

- Within the ½ mile radius of the site, there are nine (9) existing or permitted winery/tasting room sites and Timber Crest which is a commercial enclave including several types of businesses., including 5 separate tasting rooms.
- Since the application and approval of the Use Permit in 2007, three (3) new wineries and/or stand alone tasting rooms have been approved within a ½ mile radius of the site (Yellow Dog Tasting Room, Kachina winery/tasting room, and Peche Merle winery/tasting room.)
- Family Wineries currently pours 6 separate labels under the BZA 05-019 Permit, and has an additional four (4) tasting rooms on site (Amphora, Kokomo, Papapietro, and Peterson).
- Emergency Access/ Impact on County Services: Residents and taxpayers are owed an assessment of the cumulative impact of permitted special events on the need for additional County sheriff, fire and emergency response services.

The PRMD and BZA have not established a standard for measuring detrimental concentration, especially as it relates to rural character. Roadway Level of Service (LOS) is addressed in Policy AR-5G Factor 1; LOS C translates to thousands of vehicles per day – when our roadways reach that congestion level, the valley will have lost the character that draws tourists from around the world. Approval of this application would result in over 9 tasting rooms in ½ mile radius. A finding of no impact to rural character cannot be made based on the rationale for previous approvals. (See Addendum).

PRMD is aware of the detrimental concentration of tasting rooms and events in the Dry Creek Valley. Please use this application as an opportunity to initiate the study required to make an informed and intelligent decision on the matter.

Sincerely, DCVA Board

cc. Tennis Wick, Jennifer Barrett, Supervisor Elect Gore
Addendum: Citations – Staff Report Page 11-12; Attachment 1: DCVA 2011 Petition for Cumulative Impact; Attachment 2: Dry Creek Appellation database.



Addendum – PLP05-0062 Staff Report Pages 11 -12

Note: The site at Timber Crest Farms encompasses a variety of small businesses such as: custom-made sauce manufacturer, an olive oil company, wineries, tasting rooms and vineyard root stock companies.

A standard as to how far to measure concentration of land uses has not been established by PRMD. Therefore, three recently approved projects were used as examples. For these projects the Planners used a range of radius: 1.8 miles, 1.5 miles, and 1 mile to measure the concentration of land uses.

In 2013, the BZA approved a new 12,250 square foot winery located at 8500 Dry Creek Road with an maximum annual production capacity of 10,000 cases, public tasting, retail sales, 14 promotional events plus four industry-wide promotional events (PLP12-0020- Seaton Winery) determining that adding one

more winery within a 1.8 mile radius of five existing wineries with public tasting rooms would not result in an over concentration of an agricultural support use and two of the five wineries in the near vicinity do not conduct agricultural promotional events and only participate in industry wide events.

In October 2014, in the neighboring Alexander Valley, the BZA approved expansion of an existing winery at 7370 Highway 128 with a maximum annual production capacity of 120,000 cases, with a public tasting room, marketing accommodations and 25 agricultural promotional events per year with a range of 50 to 200 guests, one event per year with a maximum of 1,000 guests winery (PLP14-0004 Silver Oak Winery) determining that the winery expansion within a 1.5 mile radius of eight existing wineries with public tasting rooms would not result in an over concentration of an agricultural support use because project generated traffic will not result in road access conflicts and would not exceed the level of service.

Also, in October 2014, in the area of Geyserville, the BZA approved a new distillery (ag processing) no tasting or events (PLP12-0040), determining that adding one more agricultural processing facility within a one-mile radius of two existing wineries and six tasting rooms would not result in an overconcentration primarily because the project did not impact the level of service on roadways in the area.

Attachment 1: DCVA Positioning Statement Regarding Cumulative Effect

The Dry Creek Valley Association was founded in 1974 with the mission to preserve the watershed's natural resources, rural character and agricultural heritage. We represent over 500 household memberships.

We fully recognize and support the need for winery and tasting room facilities to improve the economic viability of the agricultural activities in the Dry Creek Valley. We also believe that such development must occur in conformity with the General Plan, and therefore must take into account detrimental concentration - not just at the time of application, but in light of all approved but not-yet-operational facilities.

We contend that the time has come to develop a working policy regarding the detrimental concentration of wineries and tasting rooms within the Dry Creek Valley Watershed.

We have overarching, deep concerns with respect to the cumulative effect of concentration of such wineries and tasting rooms, as well as the routine failure of PRMD, the Planning Commission, and the Sonoma County Board of Supervisors to proactively address these concerns.

The General Plan is quite clear that concentration must be considered when evaluating a proposed use permit, and that excessive concentration is grounds for modification or even denial of a use permit.

Yet in a single short stretch of West Dry Creek Road - a ½ mile section for which we have provided ample professional documentation to show that it does not comply with County standards for width, line-of-sight, and other safety issues - the PRMD has approved four (4) use permits for winery/tasting room facilities: Williamson, Stanley, Seaton, and Gophrich.

By any standard this will create detrimental concentration, as well as in our opinion exacerbate an already fundamentally unsafe road condition.

Similar concentration is emerging on Dry Creek Road,

especially as it relates to the area near the Family Wineries facility. Here, too, we have consistently expressed our concerns, which appear to have been ignored.

We call on you to correct this at the policy level, and look forward to working with you to oversee a development model that is consistent with the General Plan and the best interests of our community.

Because this subject matter involves the core purpose of the DCVA, the Board of Directors would request the following actions be taken by PRMD:

1. Written acknowledgement of this correspondence and preliminary response to issues raised by November 21, 2011.
2. Scheduling of a meeting between PRMD staff and DCVA to review recent findings of a traffic study commissioned by DCVA affecting prevailing speeds along W. Dry Creek Road during the first week of December, 2011
3. Draft policy points on cumulative effects of Tasting Rooms/Wineries by January 30, 2012.

Assessor Parcel Number	Winery Name	Address	City	Zip Code	PRMD File #	Approval Document	Latest Year of Approval /Revision
089140009	KISTLER LLC	493 W NORTH ST	HEALDSBURG		95448 UPE06-0058	SAL10/05/2006	2006
089180021	FORTH VINEYARDS	2335 W DRY CREEK RD	HEALDSBURG		95448 UPE00-0008	SAL09/18/2000	2000
089180023	MONTEMAGGIORE VINEYARDS	2355 W DRY CREEK RD	HEALDSBURG		95448 UPE02-0147	BZA03-015	2003
089190025	ENOS VINEYARDS	1245 BRACK RD	HEALDSBURG		95448 UPE08-0054	SAL10/15/2008	2008
089230016	PEZZI KING VINEYARDS	3225 W DRY CREEK RD	HEALDSBURG		95448 UPE03-0021	SAL08/11/2003	2003
090010019	HAWLEY WINERY	6387 W DRY CREEK RD	HEALDSBURG		95448 UPE00-0076	BZA00-042	2000
090140014	PASTERICK VINEYARD	3491 W DRY CREEK RD	HEALDSBURG		95448 UPE90-0585	BZA91-120	1991
090150045	TIM KENNEDY	3256 DRY CREEK RD	HEALDSBURG		95448 UPE06-0023	SAL07/12/2006	2006
090150056	MATSON LANNY C & CHRISTINA M	3232 DRY CREEK RD	HEALDSBURG		95448 UPE98-0087	SAL09/28/1998	1998
090160010	VONGERMETEN ANN TR	3393 DRY CREEK RD	HEALDSBURG		95448 UPE99-0095	SAL09/08/1999	1999
090170001	GALLO OF SONOMA	3387 DRY CREEK RD	HEALDSBURG		95448 UPE00-0035	BZA05-020	2005
091120077	NADIR GAMINI	1720 CHIQUITA RD	HEALDSBURG		95448 UPE00-0117	BZA01-030	2001
110150020	PASSALACQUA WINERY	2062 MILL CREEK RD	HEALDSBURG		95448 UPE9571	BZA7083	1980
118120007	ALLEN JULIE SUZANNE TR	1900 OAK HOLLOW RD	CLOVERDALE		95425 UPE03-0049	SAL12/16/2003	2003
139140017	DUXOUP WINE WORKS	9611 W DRY CREEK RD	HEALDSBURG		95448 UPE9498	BZA7051	1980
139150035	PICCETTI FAMILY VINEYARDS	8843 W DRY CREEK RD	HEALDSBURG		95448 UPE01-0088	BZA05-011	2005
088180026	MACPHAIL FAMILY WINES	851 MAGNOLIA DR	HEALDSBURG		95448 UPE06-0039	SAL10/10/2006	2006
088210023	ALDERBROOK/GEYSER PEAK WINERY	2306 MAGNOLIA DR	HEALDSBURG		95448 UPE00-0018	BZA01-029	2001
089030012	WILSON WINERY	1960 DRY CREEK RD	HEALDSBURG		95448 UPE94-0753	BZA95-009	1995
089040011	32 WINDS WINERY	1010 DRY CREEK RD	HEALDSBURG		95448 UPE07-0054	SAL09/12/2007	2007
089071049	DU CHAMP WINERY	280 CHIQUITA RD	HEALDSBURG		95448 UPE97-0123	BZA98-011	1998
089150019	EVERETT RIDGE VINEYARDS AND WINERY	435 W DRY CREEK RD	HEALDSBURG		95448 UPE99-0091	SAL01/07/2000	2000
090120031	QUIVIRA VINEYARDS & WINERY	4900 W DRY CREEK RD	HEALDSBURG		95448 UPE91-0226	BZA91-097	1991
090130022	LAMBERT BRIDGE WINERY	4085 W DRY CREEK RD	HEALDSBURG		95448 UPE86-0350	BZA86-149	1986
090150058	AMISTA VINEYARDS	3320 DRY CREEK RD	HEALDSBURG		95448 UPE04-0047	BZA05-013	2005
090160037	F TELDESCHI WINERY	3555 DRY CREEK RD	HEALDSBURG		95448 UPE90-0197	BZA90-109	1990
090160039	PASSALACQUA WINERY	3805 LAMBERT BRIDGE RD	HEALDSBURG		95448 UPE8603A	BZA9850	1984
090160043	DRY CREEK VINEYARD	3770 LAMBERT BRIDGE RD	HEALDSBURG		95448 UPE00-0060	BZA01-009	2001
090240027	VC CELLARS	6561 DRY CREEK RD	HEALDSBURG		95448 UPE07-0082B	SAL05/12/2014	2014
090240044	CHATEAU DIANA WINERY	6195 DRY CREEK RD	HEALDSBURG		95448 UPE05-0082	BZA08-022	2008
091140041	MAZZOCCO WINERY	1400 LYTTON SPRINGS RD	HEALDSBURG		95448 UPE88-0260	BZA88-153	1988
091150011	NALLE WINERY	2383 DRY CREEK RD	HEALDSBURG		95448 UPE03-0050	SAL11/03/2003	2003
110020029	MILL CREEK VINEYARDS & WINERY	1401 WESTSIDE RD	HEALDSBURG		95448 UPE8052A	BZA9301	1981
110130022	DE LA MONTANYA WINERY	999 FOREMAN LN	HEALDSBURG		95448 UPE00-0001	BZA00-035	2000
139110036	FERRARI-CARANO VINEYARDS AND WINERY	8761 DRY CREEK RD	HEALDSBURG		95448 UPE99-0154	SAL01/21/2000	2000

Assessor Parcel Number	Winery Name	Address	City	Zip Code	PRMD File #	Approval Document	Latest Year of Approval /Revision
139130008	DUTCHER CROSSING WINERY	8533 DRY CREEK RD	HEALDSBURG		95448 UPE01-0102	BZA02-004	2002
139130031	DAVID COFFARO WINERY	7485 DRY CREEK RD	GEYSERVILLE		95441 UPE99-0031	SAL11/02/10	2010
139140008	PRESTON VINEYARDS	9206 W DRY CREEK RD	HEALDSBURG		95448 UPE96-0016	BZA96-040	1996
139140029	BELLA VINEYARDS AND WINE CAVES	9711 W DRY CREEK RD	HEALDSBURG		95448 UPE99-0088	BOS00-0154	2000
139150006	ZICHICHI FAMILY WINERY	8626 W DRY CREEK RD	HEALDSBURG		95448 PLP04-0042	BZA04-029	2004
139170017	TALTY VINEYARDS AND WINERY	7127 DRY CREEK RD	HEALDSBURG		95448 UPE00-0058	SAL07/13/2000	2000
139170029	YOAKIM BRIDGE WINERY	7209 DRY CREEK RD	HEALDSBURG		95448 UPE99-0100	BZA99-048	1999
138110014	OLNEY VINEYARDS	12901 STEWARTS PT SKGS S ANNAPOLIS			95412 UPE00-0019	SAL08/14/2000	2000
139180004	FRICK WINERY	23072 WALLING RD	GEYSERVILLE		95441 UPE99-0045	BZA99-029	1999
139190014	PEDRONCELLI WINERY	1220 CANYON RD	GEYSERVILLE		95441 UPE6976A	BZA10023	1985
089040035	WEST WINES	1000 DRY CREEK RD	HEALDSBURG		95448 UPE06-0099	SAL11/16/2012	2010
089190037	SIMONCINI VINEYARDS	2303 W DRY CREEK RD	HEALDSBURG		95448 UPE04-0139	BOS06-0816	2006
089210017	SCHNEIDER VINEYARDS INC	2700 W DRY CREEK RD	HEALDSBURG		95448 PLP07-0024B	SAL06/12/2012	2012
090010025	WILLIAMSON WINES	6968 W DRY CREEK RD	HEALDSBURG		95448 PLP04-0114	SAL10/06/2005	2005
090030059	MARTORANA FAMILY WINERY	5956 W DRY CREEK RD	HEALDSBURG		95448 PLP04-0019B	SAL06/22/2010	2010
090110002	MOUNTS FAMILY WINERY	3901 WINE CREEK RD	HEALDSBURG		95448 UPE12-0050	BZA14-003	2014
090110019	MICHEL SCHLUMBERGER WINES	4155 WINE CREEK RD	HEALDSBURG		95448 UPE05-0090	BOS09-0402	2009
090120010	RICHARD & DIANE MOUNTS	3655 WINE CREEK RD	HEALDSBURG		95448 UPE01-0184	BZA02-056	2002
090120028	A. RAFANELLI WINERY	4685 W DRY CREEK RD	HEALDSBURG		95448 UPE12-0037	BZA13-007	2013
090160034	RUED WINERY	3850 DRY CREEK RD	HEALDSBURG		95448 UPE11-0088	BZA12-007	2012
090200008	WILSON DIANE M	4304 DRY CREEK RD	HEALDSBURG		95448 PLP05-0062	SAL06/15/2007	2007
090200009	UNTI VINEYARDS	4202 DRY CREEK RD	HEALDSBURG		95448 UPE02-0039	SAL10/23/2002	2002
090210013	KACHINA VINEYARDS	4551 DRY CREEK RD	HEALDSBURG		95448 UPE07-0072	SAL03/19/2008	2008
090210024	PECHE MERLE WINERY	4543 DRY CREEK RD	HEALDSBURG		95448 PLP08-0087B	BOS11-0627	2011
090210037	TIMBER CREST FARMS WINE COLLECTIVE	4791 DRY CREEK RD	HEALDSBURG		95448 UPE04-0148	BZA05-019	2005
090230040	YesTT HURST WINERY	5610 DRY CREEK RD	HEALDSBURG		95448 UPE05-0006	SAL11/17/2006	2006
090230054	FORCHINI VINEYARDS & WINERY	5141 DRY CREEK RD	HEALDSBURG		95448 UPE09-0032	SAL10/30/2009	2009
091120089	RIDGE VINEYARDS	650 LYTTON SPRINGS RD	HEALDSBURG		95448 PLP99-0103	BZA00-016	2000
091140033	MONI CLAIRE VINEYARDS	1750 LYTTON SPRINGS RD	HEALDSBURG		95448 UPE00-0128	SAL11/22/2000	2000
091160027	MAURITSON FAMILY WINERY	2859 DRY CREEK RD	HEALDSBURG		95448 UPE01-0101	BZA02-033	2002
110010034	DAVERO WINERY	766 WESTSIDE RD	HEALDSBURG		95448 UPE10-0031B	SAL04/09/2013	2013
110010036	UPTICK VINEYARDS	779 WESTSIDE RD	HEALDSBURG		95448 UPE09-0063	BZA10-007	2010
110150009	ARMIDA WINERY	2201 WESTSIDE RD	HEALDSBURG		95448 UPE11-0072	BZA13-011	2013
139050021	FRITZ UNDERGROUND WINERY	24691 DUTCHER CREEK RD	CLOVERDALE		95425 UPE02-0124	SAL12/15/2003	2003
139090051	RAYMOND BURR VINEYARDS AND WINERY	8339 W DRY CREEK RD	HEALDSBURG		95448 UPE12-0001	BZA13-006	2013

Assessor Parcel Number	Winery Name	Address	City	Zip Code	PRMD File #	Approval Document	Latest Year of Approval /Revision
139110027	SBRAGIA FAMILY VINEYARDS	9990 DRY CREEK RD	GEYSERVILLE		95441 PLP96-0088	BOS97-1512	1997
139130003	TRATTORE WINERY	7878 DRY CREEK RD	GEYSERVILLE		95441 UPE11-0014	BZA12-012	2012
139130040	8500 DRY CREEK RD LLC	8500 DRY CREEK RD	GEYSERVILLE		95441 PLP12-0020	BZA13-004	2013
139160055	GOPFRICH VINEYARD & WINERY	7564 W DRY CREEK RD	HEALDSBURG		95448 UPE00-0089	BZA00-0039	2000
139160056	SEATON FAMILY VINEYARDS	7412 W DRY CREEK RD	HEALDSBURG		95448 PLP09-0081	BZA10-0871	2010
139100034	GUSTAFSON FAMILY VINEYARDS	9100 STEWARTS PT SKGS SP	HEALDSBURG		95448 UPE04-0009B	SAL10/22/2012	2012
139160061	STANDLEY FAMILY WINERY	7191 W DRY CREEK RD	HEALDSBURG		95448 UPE07-0025	SAL03/21/2013	2013
090190030	YELLOW DOG VINEYARDS	3998 DRY CREEK RD	HEALDSBURG		95448 UPE10-0043	BZA11-007	2011
TOP 5 PRODUCERS							
090170001	GALLO OF SONOMA	3387 DRY CREEK RD	HEALDSBURG		95448 UPE00-0035	BZA05-020	2005
139110036	FERRARI-CARANO VINEYARDS AND WINERY	8761 DRY CREEK RD	HEALDSBURG		95448 UPE99-0154	SAL01/21/2000	2000
090160043	DRY CREEK VINEYARD	3770 LAMBERT BRIDGE RD	HEALDSBURG		95448 UPE00-0060	BZA01-009	2001
139190014	PEDRONCELLI WINERY	1220 CANYON RD	GEYSERVILLE		95441 UPE6976A	BZA10023	1985
088210023	ALDERBROOK/GEYSER PEAK WINERY	2306 MAGNOLIA DR	HEALDSBURG		95448 UPE00-0018	BZA01-029	2001

TOTAL = 78 WINERIES OR TASTING ROOMS/ EVENTS

TOP 5 = 86% OF TOTAL PRODUCTION

73 Wineries : 946,219 Cases/Year or 14% of total production

ONLY 33 or 42% are permitted for a total of 417 EVENTS/year = 58% still require Use Permit updates for EVENTS

What are the impacts of events permitted at the remaining 58% or 45 wineries?

Winery Name	Winery Type	Production Capacity Approved (Cases/Year)	Tasting Room Type	Tasting Room Hours	Number of Events Per Year Approved	Persons Per Event Max Approved	Event Size Variation	County Urban Service Area	Citizens Advisory Committee	Supervisory District
KISTLER LLC	Production Only	120	NONE				No	Not Applicable	Dry Creek Valle	4th
FORTH VINEYARDS	Production Only	3,000	NONE				No	Not Applicable	Dry Creek Valle	4th
MONTEMAGGIORE VINEYAR	Production Only	5,000	NONE				No	Not Applicable	Dry Creek Valle	4th
ENOS VINEYARDS	Production Only	500	NONE				No	Not Applicable	Dry Creek Valle	4th
PEZZI KING VINEYARDS	Production Only	30,000	NONE				No	Not Applicable	Dry Creek Valle	4th
HAWLEY WINERY	Production Only	5,000	NONE				No	Not Applicable	Dry Creek Valle	4th
PASTERICK VINEYARD	Production Only	5,000	NONE				No	Not Applicable	Dry Creek Valle	4th
TIM KENNEDY	Production Only	499	NONE				No	Not Applicable	Dry Creek Valle	4th
MATSON LANNY C & CHRIST	Production Only	600	NONE				No	Not Applicable	Dry Creek Valle	4th
VONGERMETEN ANN TR	Production Only	500	NONE				No	Not Applicable	Dry Creek Valle	4th
GALLO OF SONOMA	Production Only	4,900,000	NONE				No	Not Applicable	Dry Creek Valle	4th
NADIR GAMINI	Production Only	20,000	NONE				No	Not Applicable	Dry Creek Valle	4th
PASSALACQUA WINERY	Production Only	12,000	NONE				No	Not Applicable	Dry Creek Valle	4th
ALLEN JULIE SUZANNE TR	Production Only	500	NONE				No	Not Applicable	Dry Creek Valle	4th
DUXOUP WINE WORKS	Production Only	2,500	NONE				No	Not Applicable	Dry Creek Valle	4th
PICCETTI FAMILY VINEYARDS	Production Only	5,000	NONE				No	Not Applicable	Dry Creek Valle	4th
MACPHAIL FAMILY WINES	Production/Tasting Room	5,000	APPT ONLY	8AM-5PM			No	Not Applicable	Dry Creek Valle	4th
ALDERBROOK/GEYSER PEAK	Production/Tasting Room	100,000	PUBLIC	10AM-5PM			No	Not Applicable	Dry Creek Valle	4th
WILSON WINERY	Production/Tasting Room	36,000	PUBLIC	10AM-6PM			No	Not Applicable	Dry Creek Valle	4th
32 WINDS WINERY	Production/Tasting Room	500	APPT ONLY	10AM-6PM MO-SA			No	Not Applicable	Dry Creek Valle	4th
DU CHAMP WINERY	Production/Tasting Room	5,000	PUBLIC	11AM-4PM			No	Healdsburg USA	Dry Creek Valle	4th
EVERETT RIDGE VINEYARDS	Production/Tasting Room	25,000	PUBLIC	11AM-4:30PM			No	Not Applicable	Dry Creek Valle	4th
QUIVIRA VINEYARDS & WINI	Production/Tasting Room	25,000	PUBLIC	8AM-5PM			No	Not Applicable	Dry Creek Valle	4th
LAMBERT BRIDGE WINERY	Production/Tasting Room	30,000	PUBLIC	10AM-4PM			No	Not Applicable	Dry Creek Valle	4th
AMISTA VINEYARDS	Production/Tasting Room	20,000	PUBLIC	10:30AM-4:30PM			No	Not Applicable	Dry Creek Valle	4th
FTELDESCHI WINERY	Production/Tasting Room	10,000	PUBLIC	7AM-6PM			No	Not Applicable	Dry Creek Valle	4th
PASSALACQUA WINERY	Production/Tasting Room	7,500	PUBLIC	10:30AM-4:30PM			No	Not Applicable	Dry Creek Valle	4th
DRY CREEK VINEYARD	Production/Tasting Room	192,000	PUBLIC	10AM-4PM			No	Not Applicable	Dry Creek Valle	4th
VC CELLARS	Production/Tasting Room	20,000	PUBLIC	10AM-5PM			No	Not Applicable	Dry Creek Valle	4th
CHATEAU DIANA WINERY	Production/Tasting Room	15,000	PUBLIC	10AM-4PM			No	Not Applicable	Dry Creek Valle	4th
MAZZOCCO WINERY	Production/Tasting Room	35,000	PUBLIC	11AM-4:30PM			No	Not Applicable	Dry Creek Valle	4th
NALLE WINERY	Production/Tasting Room	10,000	PUBLIC/APPT	SAT/SU-FR			No	Not Applicable	Dry Creek Valle	4th
MILL CREEK VINEYARDS & W	Production/Tasting Room	12,000	PUBLIC	10AM-5PM			No	Not Applicable	Dry Creek Valle	4th
DE LA MONTANYA WINERY	Production/Tasting Room	10,000	PUBLIC	10AM-4:30PM			No	Not Applicable	Dry Creek Valle	4th
FERRARI-CARANO VINEYARE	Production/Tasting Room	350,000	PUBLIC				No	Not Applicable	Dry Creek Valle	4th

Winery Name	Winery Type	Production Capacity Approved (Cases/Year)	Tasting Room Type	Tasting Room Hours	Number of Events Per Year Approved	Persons Per Event Max Approved	Event Size Variation	County Urban Service Area	Citizens Advisory Committee	Supervisory District
DUTCHER CROSSING WINERY	Production/Tasting Room	25,000	PUBLIC	10AM-5PM			No	Not Applicable	Dry Creek Valle	4th
DAVID COFFARO WINERY	Production/Tasting Room	7,000	PUBLIC				No	Not Applicable	Dry Creek Valle	4th
PRESTON VINEYARDS	Production/Tasting Room	30,000	PUBLIC	8AM-5PM			No	Not Applicable	Dry Creek Valle	4th
BELLA VINEYARDS AND WIN	Production/Tasting Room	15,000	PUBLIC				No	Not Applicable	Dry Creek Valle	4th
ZICHICHI FAMILY WINERY	Production/Tasting Room	7,500	PUBLIC	11AM-4:30PM			No	Not Applicable	Dry Creek Valle	4th
TALTY VINEYARDS AND WIN	Production/Tasting Room	2,000	APPT ONLY				No	Not Applicable	Dry Creek Valle	4th
YOAKIM BRIDGE WINERY	Production/Tasting Room	2,500	PUBLIC	10AM-5PM			No	Not Applicable	Dry Creek Valle	4th
OLNEY VINEYARDS	Production/Tasting Room	3,500	APPT ONLY				No	Not Applicable	Dry Creek Valle	5th
FRICK WINERY	Production/Tasting Room	3,000	PUBLIC	10AM-5PM			No	Not Applicable	Dry Creek Valle	4th
PEDRONCELLI WINERY	Production/Tasting Room	126,156	PUBLIC	10AM-5PM			No	Not Applicable	Dry Creek Valle	4th
WEST WINES	Production/Tasting Room/Events	500	APPT ONLY	10AM-4PM	10		No	Not Applicable	Dry Creek Valle	4th
SIMONCINI VINEYARDS	Production/Tasting Room/Events	7,000	APPT ONLY	7AM-5PM	5	80	No	Not Applicable	Dry Creek Valle	4th
SCHNEIDER VINEYARDS INC	Production/Tasting Room/Events	15,000	PUBLIC	10AM-5PM	12	50	No	Not Applicable	Dry Creek Valle	4th
WILLIAMSON WINES	Production/Tasting Room/Events	10,000	PUBLIC	11AM-5PM	8		No	Not Applicable	Dry Creek Valle	4th
MARTORANA FAMILY WINERY	Production/Tasting Room/Events	5,000	APPT ONLY	10AM-5PM	4		No	Not Applicable	Dry Creek Valle	4th
MOUNTS FAMILY WINERY	Production/Tasting Room/Events	500	APPT ONLY	11AM-5PM FR-	8	300	No	Not Applicable	Dry Creek Valle	4th
MICHEL SCHLUMBERGER WI	Production/Tasting Room/Events	25,000	PUBLIC	10AM-5PM	12	500	Yes	Not Applicable	Dry Creek Valle	4th
RICHARD & DIANE MOUNTS	Production/Tasting Room/Events	5,000	APPT ONLY	8AM-5PM	3		No	Not Applicable	Dry Creek Valle	4th
A. RAFANELLI WINERY	Production/Tasting Room/Events	3,000	APPT ONLY	10AM-5PM	3	200	Yes	Not Applicable	Dry Creek Valle	4th
RUED WINERY	Production/Tasting Room/Events	8,500	PUBLIC	10AM-5PM	17	100	No	Not Applicable	Dry Creek Valle	4th
WILSON DIANE M	Production/Tasting Room/Events	25,000	PUBLIC		25	100	No	Not Applicable	Dry Creek Valle	4th
UNTI VINEYARDS	Production/Tasting Room/Events	10,000	PUBLIC	8AM-5PM	5		No	Not Applicable	Dry Creek Valle	4th
KACHINA VINEYARDS	Production/Tasting Room/Events	2,500	APPT ONLY	1PM-4PM	12	30	No	Not Applicable	Dry Creek Valle	4th
PECHE MERLE WINERY	Production/Tasting Room/Events	30,000	PUBLIC	10AM-5PM	23	200	Yes	Not Applicable	Dry Creek Valle	4th
TIMBER CREST FARMS WINE	Production/Tasting Room/Events	65,000	PUBLIC	8AM-5PM M-F;	4	180	No	Not Applicable	Dry Creek Valle	4th
YesTT HURST WINERY	Production/Tasting Room/Events	40,000	PUBLIC	10AM-5:30PM	30	200	No	Not Applicable	Dry Creek Valle	4th
FORCHINI VINEYARDS & WIN	Production/Tasting Room/Events	3,000	PUBLIC	11AM-4:30PM	11	60	No	Not Applicable	Dry Creek Valle	4th
RIDGE VINEYARDS	Production/Tasting Room/Events	60,000	PUBLIC	11AM-4:30PM	5	300	No	Not Applicable	Dry Creek Valle	4th
MONI CLAIRE VINEYARDS	Production/Tasting Room/Events	4,000	APPT ONLY	10AM-5PM	2		No	Not Applicable	Dry Creek Valle	4th
MAURITSON FAMILY WINERY	Production/Tasting Room/Events	25,000	PUBLIC	10AM-5PM	12	100	No	Not Applicable	Dry Creek Valle	4th
DAVERO WINERY	Production/Tasting Room/Events	3,000	PUBLIC	10AM-5PM	15	50	No	Not Applicable	Dry Creek Valle	4th
UPTICK VINEYARDS	Production/Tasting Room/Events	20,000	PUBLIC	11AM-5PM	20	100	No	Not Applicable	Dry Creek Valle	4th
ARMIDA WINERY	Production/Tasting Room/Events	32,000	PUBLIC	11AM-5PM	8	100	Yes	Not Applicable	Dry Creek Valle	4th
FRITZ UNDERGROUND WINE	Production/Tasting Room/Events	30,000	PUBLIC	10AM-5PM	4		No	Not Applicable	Dry Creek Valle	4th
RAYMOND BURR VINEYARDS	Production/Tasting Room/Events	5,000	PUBLIC	11AM-5PM	11	60	No	Not Applicable	Dry Creek Valle	4th

Winery Name	Winery Type	Production Capacity Approved (Cases/Year)	Tasting Room Type	Tasting Room Hours	Number of Events Per Year Approved	Persons Per Event Max Approved	Event Size Variation	County Urban Service Area	Citizens Advisory Committee	Supervisory District
SBRAGIA FAMILY VINEYARD	Production/Tasting Room/Events	20,000	PUBLIC	10AM-5PM	24	100	Yes	Not Applicable	Dry Creek Valle	4th
TRATTORE WINERY	Production/Tasting Room/Events	10,000	PUBLIC	11AM-5PM	10	100	No	Not Applicable	Dry Creek Valle	4th
8500 DRY CREEK RD LLC	Production/Tasting Room/Events	10,000	PUBLIC	10AM-5PM	18	60	No	Not Applicable	Dry Creek Valle	4th
GOPFRICH VINEYARD & WIN	Production/Tasting Room/Events	1,500	APPT ONLY	11AM-4PM	8	100	No	Not Applicable	Dry Creek Valle	4th
SEATON FAMILY VINEYARDS	Production/Tasting Room/Events	10,000	PUBLIC	10AM-5PM	32	60	No	Not Applicable	Dry Creek Valle	4th
GUSTAFSON FAMILY VINEYA	Production/Tasting Room/Events	4,000	PUBLIC/APPT	11AM-SA-SU, A	12		No	Not Applicable	Dry Creek Valle	5th
STANDLEY FAMILY WINERY	Production/Tasting Room/Event	5,000	PUBLIC	10AM-5PM	16	80	No	Not Applicable	Dry Creek Valle	4th
YELLOW DOG VINEYARDS	Tasting Room/Events	0	PUBLIC	10AM-5PM	28	50	No	Not Applicable	Dry Creek Valle	4th
Total		6,614,375			417					
TOP 5 PRODUCERS										
GALLO OF SONOMA	Production Only	4,900,000	NONE				No	Not Applicable	Dry Creek Valle	4th
FERRARI-CARANO VINEYARD	Production/Tasting Room	350,000	PUBLIC				No	Not Applicable	Dry Creek Valle	4th
DRY CREEK VINEYARD	Production/Tasting Room	192,000	PUBLIC	10AM-4PM			No	Not Applicable	Dry Creek Valle	4th
PEDRONCELLI WINERY	Production/Tasting Room	126,156	PUBLIC	10AM-5PM			No	Not Applicable	Dry Creek Valle	4th
ALDERBROOK/GEYSER PEAK	Production/Tasting Room	100,000	PUBLIC	10AM-5PM			No	Not Applicable	Dry Creek Valle	4th
		5,668,156								
TOP 5 = PERCENT OF TOTAL		85.69%								

Remainder of wineries: 946,219 Cases/Year or 14% of total production

7412 West Dry Creek Road
Healdsburg, CA 95448

Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

December 11, 2014

Dear Ms. Tesconi,

I am writing a letter in support of Ken and Diane Wilson's proposed winery and tasting room at 4304 Dry Creek Road. As a Dry Creek Valley grape grower and vintner, I support the responsible development of the wine industry. The proposed Hales Winery will accomplish just that by sourcing Sonoma County fruit in a small, artisan tasting room that sells its wine directly to local consumers and tourists who travel to wine country.

In addition to sourcing from their own mountain vineyards, including this 40-acre vineyard, the Wilsons purchase fruit from their neighbors, supporting local grape growers. I have a longstanding relationship with Ken and Diane, selling fruit to several of their wineries. Over the years I have seen them turn struggling properties into thriving wineries that elevate the wine industry throughout Sonoma County.

I urge the county to reissue the use permit for their project. I am available to discuss this matter with you further. I can be reached by phone at 707-479-2340.

Sincerely,



Buzz Seaton

cc:

Mike McGuire mikemcguire@sonoma-county.org

Susan Gorin Susan.Gorin@sonoma-county.org

David Rabbitt David.Rabbitt@sonoma-county.org

Shirlee Zane Shirlee.Zane@sonoma-county.org

Efren Carrillo Efren.Carrillo@sonoma-county.org

Jason Liles Jason@liles.net

James Gore james@votegore.com



Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

December 10, 2014

Mr. Ken Wilson
428 Matheson Street
Healdsburg, CA 95448

Response to Comments on the Traffic Impact Study for Hale Vineyard Winery

Dear Mr. Wilson;

As requested, we have reviewed the comment letters provided to County staff. Various issues raised in the letters are indicated in *italics* followed by our responses.

Letter to Traci Tesconi from Chris Wolcott, September 12, 2013

There are already a number of wineries near the project site, and an additional event center will add to the congestion on Dry Creek Road.

There are various types of events that occur at wineries, including those that are industry-wide such as Passport and Barrel Tasting weekends, and those that are specific to each site. The existence of an additional winery would be expected to draw in few additional participants to industry-wide events, though it does have the benefit of spreading the traffic out to an additional venue.

The concern is typically not related to the industry-wide events, but rather to those that are specific to the site. The project as proposed includes 16 events with attendance of up to 80 persons, and two with attendance of up to 100 persons. Based on County standards, attendees would be expected to travel to these events at an occupancy of 2.5 persons per vehicle, or 32 vehicles for an 80-person event and 40 vehicles for a 100-person event. Assuming that the event has a specific start and end time, for analysis purposes these persons were all assumed to arrive within a one-hour window. The staff for the event would like arrive an hour or more before the start of the event, and leave an hour or more after the event concludes, so these trips would not occur during the same time period as trips for the event attendees. However, to provide a conservative traffic analysis it was assumed that the 50 vehicle trips would be added during a single hour.

County data obtained during August of 2011, which tends to be one of the highest-volume months of the year, showed about 175 vehicles in each direction on Dry Creek Road. Assuming as much as 5-percent per year growth over the last three years, this would result in current volumes of approximately 200 vehicles in each direction. As shown on the enclosed calculation, even with 50 trips added in *both* directions, Dry Creek Road would continue to operate at LOS C, which is considered acceptable and is above the County's minimum standard, which is LOS D. An event at the project site would therefore be expected to result in a less-than-significant impact.

Letter to Traci Tesconi from Chris Wolcott, November 22, 2014

The County's mitigation report includes statements from the applicant's traffic expert. These experts cannot be considered independent as they have been paid for by the applicants.

Although the applicant pays for the preparation of the traffic report, the work is conducted independently and with input from County staff. We use data combined with our engineering judgment to come to a conclusion. Further, our work is routinely reviewed either through a peer review or by qualified County staff prior to being used by PRMD staff.

Many of the events will occur when other wineries are also having events.

Consideration was given to the potential for multiple events to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, even if three such events occurred in the same area and all started or ended during the same hour, adding 150 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

Sight distance standards ignore the fact that drivers' reaction times will be impaired as the whole point of these events is to drink wine.

Wineries are responsible for monitoring the consumption of alcohol on their premises and law enforcement officials are responsible for the enforcement of driver behavior. Engineering studies are based on the typical conditions of the land use, roadways and motorists. Based on observations of wine tasting events in Dry Creek Valley it has been noted that many attendees have a designated driver. Further, events generally provide only wine tasting, or a small amount of various kinds of wine, resulting in the consumption of one to two glasses of wine total. Also, such events pair the wine with food, diluting the impact of the alcohol.

Traffic control officers should be mandatory for special events.

The analysis performed indicates that there is no need for such a requirement, as traffic operations would continue to be acceptable with the addition of project-generated trips.

Email to Traci Tesconi from Chris Wolcott, November 24, 2014

It is understood that tasting rooms average 200 visitors per day, not the 30 that the applicant mentioned.

The traffic study was based on an estimate that there would be 50 visitors per day during the peak month of August, which translates to an average of 38 visitors per day over the course of the year. It should be noted that these estimates treat each visitor as if they were making a single-purpose trip to visit this one winery, when in fact most visitors are going to multiple tasting rooms while on the same trip. Given the proximity to other wineries along Dry Creek Road it is likely that the bulk of the tasting room traffic would be drawn from the existing stream of traffic generated by visitors already in the area that are visiting one or more of the surrounding wineries.

The number 30 in the report refers to vehicle trips, not visitors, and as previously discussed, is based on a 2.5 person per vehicle occupancy for tasting room visitors (38 visitors with 2.5 people per vehicle would be 15 vehicles in a single peak hour resulting in 30 trips counting both inbound and outbound).

Letter to Traci Tesconi from Andrew L. Dieden, December 1, 2014

Even based on 2011 traffic counts the collision rate for Dry Creek Road exceeds the statewide average.

In response to this comment the collision rate calculation was further reviewed, and it was noted that while the collisions reported along a three-mile segment were included, the rate was based on only a one-mile segment. The rate should actually have been one-third what was reported, or about one-third the statewide average rate. A copy of the corrected calculation is enclosed.

It is further noted that the County performed counts in August of 2014, though these counts were not obtained prior to preparing this updated analysis. The data shows that volumes have increased by about one percent since 2011, which would be an imperceptible change and further supports the adequacy of the data used in this analysis.

The analysis assumed only six employees.

As noted in the discussion above, the employees would arrive an hour or more before guests arrive and depart an hour or more after they leave. However, it was conservatively assumed that they arrive and depart during the same hour as guests. It may be that the number of employees was under-estimated; however, if more employees are needed than were assumed in the analysis, it would not affect the results or conclusions.

A reasonable estimate is an average of 65 additional car trips on Dry Creek Road per day.

The analysis performed to develop the trip generation provided in the traffic study was reviewed by County staff and deemed appropriate for the assessment of potential traffic impacts of the proposed project.

Bicycle traffic is not accounted for and it tends to be heavy at the same times the proposed events will be conducted.

It is noted that Dry Creek Road is a popular route for bicycle travel. This is due, at least in part, to the presence of wide shoulders that provide cyclists with a place to ride that is outside the vehicle travel lane. The project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel.

Based on a calculation-free sensitivity analysis it is indicated that a volume of 203 would be needed to warrant a left-turn lane. There are few, if any, existing left-turn lanes in Healdsburg with that volume.

The sensitivity analysis was based on engineering calculations, and a copy of the calculation is enclosed. It is noted that for the sensitivity analysis the volumes during the same time period as the event would start were used rather than the higher weekday p.m. peak hour volumes.

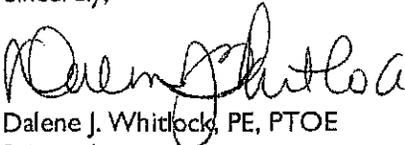
Healdsburg does have left-turn volumes at intersections with over 200 vehicles per hour. For example, the left-turn volume from Dry Creek Road to the US 101 South on-ramp is more than 400 vehicles per hour. It should be noted that there is not a left-turn lane at this location despite the high volume of left turning traffic. The left turn from northbound Healdsburg Avenue to Vine Street, which is served by a left-turn lane and a traffic signal, has a similar volume of about 400 vehicles per hour.

The location is already a hazard.

As noted above, based on a corrected collision rate calculation, the collision rate for the study period was substantially lower than the statewide average. No evidence that the area is hazardous was found during the field reconnaissance or the traffic analysis.

Thank you for giving W-Trans the opportunity to provide these services. If you have any further questions, please call.

Sincerely,


Dalene J. Whitlock, PE, PTOE
Principal



DJW/djw/SOX249.L3

Enclosures: Two-Lane Highway Level of Service Calculations
Segment Collision Rate Calculation Spreadsheet
Left-Turn Lane Warrant Sensitivity Analysis

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
Agency/Co. County of Sonoma
Date Performed 12/5/2014
Analysis Time Period Existing plus Project
Highway Dry Creek Road
From/To northwest of Healdsburg
Jurisdiction County of Sonoma
Analysis Year 2014
Description Hale Vineyard Winery

Input Data

Highway class	Class 2	Peak hour factor, PHF	0.88	
Shoulder width	6.0 ft	% Trucks and buses	6	%
Lane width	12.0 ft	% Trucks crawling	0.0	%
Segment length	2.0 mi	Truck crawl speed	0.0	mi/hr
Terrain type	Specific Grade	% Recreational vehicles	4	%
Grade: Length	0.25 mi	% No-passing zones	80	%
Up/down	3.0 %	Access point density	15	/mi

Analysis direction volume, Vd 250 veh/h
Opposing direction volume, Vo 250 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	2.3	1.4
PCE for RVs, ER	1.1	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.923	0.977
Grade adj. factor, (note-1) fg	0.87	1.00
Directional flow rate, (note-2) vi	354 pc/h	291 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM	-	mi/h
Observed total demand, (note-3) V	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, (note-3) BFFS	60.0	mi/h
Adj. for lane and shoulder width, (note-3) fLS	0.0	mi/h
Adj. for access point density, (note-3) fA	3.8	mi/h
Free-flow speed, FFSD	56.3	mi/h
Adjustment for no-passing zones, fnp	3.4	mi/h
Average travel speed, ATSD	47.9	mi/h
Percent Free Flow Speed, PFFS	85.1	%

Percent Time-Spent-Following

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.0	1.1
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	0.994
Grade adjustment factor, (note-1) fg	0.97	1.00
Directional flow rate, (note-2) vi	292 pc/h	286 pc/h
Base percent time-spent-following, (note-4) BPTSFD	31.3	%
Adjustment for no-passing zones, fnp	56.1	
Percent time-spent-following, PTSFD	59.6	%

Level of Service and Other Performance Measures

Level of service, LOS	C
Volume to capacity ratio, v/c	0.17
Peak 15-min vehicle-miles of travel, VMT15	142 veh-mi
Peak-hour vehicle-miles of travel, VMT60	500 veh-mi
Peak 15-min total travel time, TT15	3.0 veh-h
Capacity from ATS, CdATS	1365 veh/h
Capacity from PTSF, CdPTSF	1654 veh/h
Directional Capacity	1654 veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	47.9	mi/h
Percent time-spent-following, PTSFD (from above)	59.6	
Level of service, LOSd (from above)	C	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSp1	-	
Percent free flow speed including passing lane, PFFSp1	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A
Peak 15-min total travel time, TT15	- veh-h

Bicycle Level of Service

Posted speed limit, Sp	50
Percent of segment with occupied on-highway parking	0
Pavement rating, P	3
Flow rate in outside lane, vOL	284.1
Effective width of outside lane, We	24.00
Effective speed factor, St	4.62
Bicycle LOS Score, BLOS	3.26
Bicycle LOS	C

Notes:

1. Note that the adjustment factor for level terrain is 1.00, as level terrain is one of the base conditions. For the purpose of grade adjustment, specific downgrade segments are treated as level terrain.
2. If v_i (v_d or v_o) $\geq 1,700$ pc/h, terminate analysis-the LOS is F.
3. For the analysis direction only and for $v > 200$ veh/h.
4. For the analysis direction only.
5. Use alternative Exhibit 15-14 if some trucks operate at crawl speeds on a specific downgrade.

Phone: Fax:
 E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
 Agency/Co. County of Sonoma
 Date Performed 12/5/2014
 Analysis Time Period Existing plus Project
 Highway Dry Creek Road
 From/To northwest of Healdsburg
 Jurisdiction County of Sonoma
 Analysis Year 2014
 Description Hale Vineyard Winery

Input Data

Highway class	Class 2'	Peak hour factor, PHF	0.88	
Shoulder width	6.0 ft	% Trucks and buses	6	%
Lane width	12.0 ft	% Trucks crawling	0.0	%
Segment length	2.0 mi	Truck crawl speed	0.0	mi/hr
Terrain type	Specific Grade	% Recreational vehicles	4	%
Grade: Length	0.25 mi	% No-passing zones	80	%
Up/down	3.0 %	Access point density	15	/mi

Analysis direction volume, Vd 350 veh/h
 Opposing direction volume, Vo 350 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	2.2	1.3
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.933	0.982
Grade adj. factor, (note-1) fg	0.91	1.00
Directional flow rate, (note-2) vi	468 pc/h	405 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM	-	mi/h
Observed total demand, (note-3) V	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, (note-3) BFBS	60.0	mi/h
Adj. for lane and shoulder width, (note-3) fLS	0.0	mi/h
Adj. for access point density, (note-3) fA	3.8	mi/h
Free-flow speed, FFSd	56.3	mi/h
Adjustment for no-passing zones, fnp	2.7	mi/h
Average travel speed, ATSD	46.8	mi/h
Percent Free Flow Speed, PFFS	83.2	%

Percent Time-Spent-Following

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	1.0	1.1
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	0.994
Grade adjustment factor, (note-1) fg	0.96	1.00
Directional flow rate, (note-2) vi	414 pc/h	400 pc/h
Base percent time-spent-following, (note-4) BPTSFD	43.6 %	
Adjustment for no-passing zones, fnp	44.4	
Percent time-spent-following, PTSFD	66.2 %	

Level of Service and Other Performance Measures

Level of service, LOS	C	
Volume to capacity ratio, v/c	0.24	
Peak 15-min vehicle-miles of travel, VMT15	199	veh-mi
Peak-hour vehicle-miles of travel, VMT60	700	veh-mi
Peak 15-min total travel time, TT15	4.3	veh-h
Capacity from ATS, CdATS	1443	veh/h
Capacity from PTSE, CdPTSE	1632	veh/h
Directional Capacity	1632	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	46.8	mi/h
Percent time-spent-following, PTSFD (from above)	66.2	
Level of service, LOSd (from above)	C	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSp1	-	
Percent free flow speed including passing lane, PFFSp1	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

Posted speed limit, Sp	50
Percent of segment with occupied on-highway parking	0
Pavement rating, P	3
Flow rate in outside lane, vOL	397.7
Effective width of outside lane, We	24.00
Effective speed factor, St	4.62
Bicycle LOS Score, BLOS	3.43
Bicycle LOS	C

Notes:

1. Note that the adjustment factor for level terrain is 1.00, as level terrain is one of the base conditions. For the purpose of grade adjustment, specific downgrade segments are treated as level terrain.
2. If v_i (v_d or v_o) $\geq 1,700$ pc/h, terminate analysis-the LOS is F.
3. For the analysis direction only and for $v > 200$ veh/h.
4. For the analysis direction only.
5. Use alternative Exhibit 15-14 if some trucks operate at crawl speeds on a specific downgrade.

SEGMENT COLLISION RATE CALCULATIONS

County of Sonoma

Location: 1.5 mi north to 1.5 mi south of 4304 Dry Creek Road

Date of Count: Thursday, August 25, 2011
ADT: 3,000

Number of Collisions: 6
Number of Injuries: 3
Number of Fatalities: 0
Start Date: June 1, 2006
End Date: May 31, 2011
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: <=65
Terrain: Flat

Segment Length: 3.0 miles
Direction: North/South

$$\frac{\text{NUMBER OF COLLISIONS} \times 1 \text{ MILLION}}{\text{ADT} \times 365 \text{ DAYS PER YEAR} \times \text{SEGMENT LENGTH} \times \text{NUMBER OF YEARS}}$$

$$\frac{6 \times 1,000,000}{3,000 \times 365 \times 3 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	0.37 c/mvm	0.0%	50.0%
Statewide Average*	1.07 c/mvm	2.4%	38.0%

ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2009 Collision Data on California State Highways, Caltrans

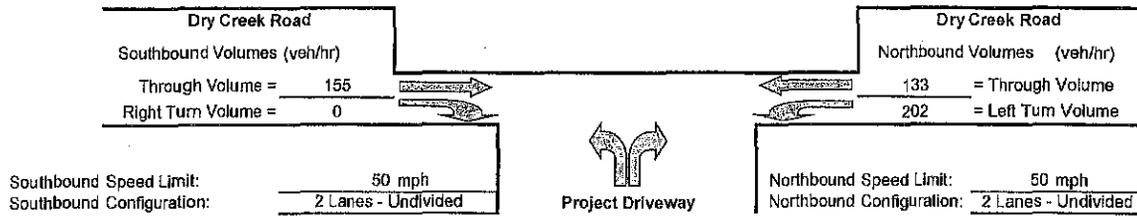
Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Dry Creek Road

Study Scenario: Existing + Project (Weekend Midday Peak) - Sensitivity Analysis

Direction of Analysis Street: North/South

Cross Street Intersects: From the West



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

NOT WARRANTED - Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = -
 Advancing Volume Va = 155
 If $AV < Va$ then warrant is met -

Right Turn Lane Warranted: NO

Southbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume Va = 155
 If $AV < Va$ then warrant is met -

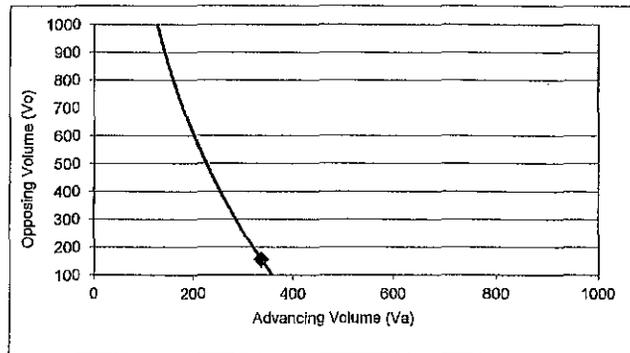
Right Turn Taper Warranted: NO

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt 60.3 %

Advancing Volume Threshold AV 336 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection

Two lane roadway warrant threshold for: 50 mph

Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.

The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.

The left turn lane analysis is based on work conducted by M.D. Harmelink in 1987, and modified by Kikuchi and Chakraborty in 1991.

McCall Miller

To: Traci Tesconi
Subject: RE: PLP05-0062

From: Mick Unti [<mailto:mickunti@untivineyards.com>]
Sent: December 09, 2014 7:36 PM
To: Traci Tesconi
Cc: George Unti; Linda Unti
Subject: Re: PLP05-0062

Thank you very much for answering my questions and sending me the Overflow Parking document.

Over the past several years, Wilson winery has hosted many winery exclusive events (almost weekly during the summer) that were not a part of any industry association (Wine Growers of Dry Creek, or Russian River Wine Road). Hosting these events is in violation of their existing permit, which only allows for for participation in 8 days of industry events.

In all of their events, Wilson has allowed customers to park along both sides of Dry Creek Road, which is not safe. I'd be surprised if the Sonoma County Sheriff's department or the California Highway Patrol has not been alerted to the parking along Dry Creek Road during these events. They just had another one this past Saturday, where cars were parked in the bike path on Dry Creek Road.

I am concerned that if the applicants for PLP05-0062 are granted a use permit for 24 events per year, they will ignore that limit and host many more than that figure, as they have done at the Wilson winery location. I am also concerned that 38 spaces designated for overflow parking is insufficient for the number of cars at any given event, especially a wedding or music concert. Since the winery is very close to Dry Creek Road and our property, I'm afraid both areas will be used for overflow parking.

I am opposed to PLP05-0062 because of the application for 24 events annually. The current proposed winery location is too close to neighboring properties and Dry Creek Road. This proposal clearly has the indications of being an "events center" as much as it will be a winery. I think the County should treat this project differently than if the applicants were simply producing and selling wine within the guidelines most Dry Creek Valley wineries are permitted to operate under.

Recently, Sonoma County planning commissioners banned all events Bella winery, because that winery had violated their use permit by hosting events. Over the past three years, Wilson winery has also violated their use permit in much the same manner.

Please call me if you wish to discuss any of the above comments.

Mick Unti
707-529-8452

On Fri, Dec 5, 2014 at 3:16 PM, Traci Tesconi <Traci.Tesconi@sonoma-county.org> wrote:

Dear Mick,

1. In the Dry Creek AVA – approved are one winery with 23 events and three wineries and one tasting room with 24 -30 events. The data does not break down, however, if this includes industry wide events. PLP05-0062 is 16 agricultural promotional events and 8 industry wide event days, totaling 24 event days per year.

2. Wilson Winery's UP is from the 1980's, so from my research it allowed a public tasting room with industry wide events (not specified) but no events solely for this winery. Sigrid Swedenborg may know more since she was the Planner for this winery.

3. In my previous email, I attached the Overflow parking plan for events.. which will be located on the north vineyard road and in between vine rows with parking attendants on duty.

Sincerely,

Traci Tesconi

Planner III

Project Review Section

Permit and Resource Management Department

2550 Ventura Avenue,

Santa Rosa, CA 95403

e-mail address: Traci.Tesconi@sonoma-county.org

(707) 565-1903 direct line

(707) 565-1103 fax



*** Please Note***

PRMD office hours are as follows: Monday through Thursday from 8:00 a.m. until 4:00 p.m.

The lobby is closed on Friday.

PRMD staff will continue to work in the field and will be in the office five days a week working on permitting and planning projects.

From: Mick Unti [mailto:mickunti@untivineyards.com]
Sent: December 04, 2014 8:25 AM
To: Traci Tesconi
Subject: PLP05-0062

Traci-

I have a few questions regarding before I comment on PLP05-0062.

1. How many Dry Creek Valley wineries are permitted to hold 26 events per year?
2. How many events is Wilson winery currently permitted to hold annually at their 1960 Dry Creek Road location?
3. In the Use Permit conditions and Approvals document it states the winery shall have 13 parking spaces. Where would the additional parking for events be located?

Thank you.

Mick Unti

Traci Tesconi

Permit and Resource Management Department,

RE: Use Permit Project at APN 090-200-008

4304 Dry Creek Rd. Geyserville/Healdsburg

FILE # PLP05-0062

I am the closest neighbor to the proposed winery and event site. I have met with Ken Wilson to work together with his plans.

The negative declaration I have is the proposed 10 space parking and driveway into the establishment.

I do not want parking approximately 75 feet from my livingroom window and a driveway that is even closer. There is a lot of room for a driveway (camouflaged by appropriate landscaping) further away from my home. There will also be ample parking for a maximum of 300 guests. The 10 parking spaces are not necessary.

The property I own has been in my family for many generations and I love it here. I moved to the country to enjoy the view and to relax in peace.

I do support the Wilsons plans... but please... just keep it out of sight. I am available by phone at 707-431-8429

Sincerely,
Sandy Couey
4390 Dry Creek Rd.
Healdsburg CA 95448

December 10, 2014

Traci Tesconi
Permit and Resource Management Department
2550 Ventura Avenue,
Santa Rosa, CA 95403
e-mail: Traci.Tesconi@sonoma-county.org

RE: Use Permit Project at 4304 Dry Creek Road, Healdsburg; APN090-200-008

Dear Traci Tesconi:

We are neighbors of Mazzocco Winery which is a property owned by Ken and Diane Wilson.

We understand that Ken & Diane Wilson are applying for an extension on their use permit for the proposed project located at 4304 Dry Creek Road, Healdsburg. These applications sometimes create points of contention with the neighbors.

If there are "neighbor relations" concerns to the proposed winery project on 4304 Dry Creek Road, we can vouch for the fact that Mazzocco Winery has been a great neighbor, and we fully support the proposed project.

We have been neighbors since we purchased our property in 2013 and have had no complaints whatsoever regarding anything that happens there. They are the best of neighbors and cause no problems -- they always react positively and resolve any issues immediately.

Diane & Ken Wilson have also been strong community-driven supporters and have been instrumental in the following:

- Ability to take a failing winery and make it thrive as in the case of Mazzocco by reducing its production and focusing on direct to consumer sales
- Support the local community by purchasing grapes locally
- Creation of local jobs
- Give back to the community through their non-profit Children of Vineyard Workers Scholarship charitable organization
- Support other local charities such as sponsoring the Raven Performing Art Theater and the Healdsburg Rotary Crab Feed
- Enhance the quality of life for farmers and local community as a whole

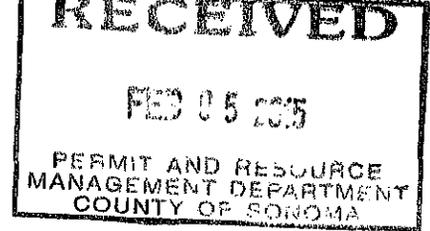
Should you have any questions we can be reached at 310-430-1430.

Sincerely,

Laurie and Robert Pousman

1740 Lytton Springs Rd.

Healdsburg, CA 95448



TO: PERMIT AND RESOURCE MANAGEMENT
RE: WRITTEN COMMENTS PLP05-0062
FROM: GEORGE AND LINDA UNTI, UNTI VINEYARDS AND WINERY
DATE: FEBRUARY 2, 2015
ATTN: TRACI TESCONI

As owners of vineyards and a small winery in Dry Creek Valley, we oppose the application, PLP05-0062, by Wilson Winery for an additional winery in the valley.

To build a 25,000 case winery at 4304 Dry Creek Road poses several issues, the most important of which we feel are parking and production facilities.

PARKING

This proposal shows only 14 parking spaces for visitors. The application requests 24 events annually, as well as daily traffic. The allocated parking seems to be totally inadequate to meet these needs.

The auxiliary parking that is outlined is not viable. Parking in vineyard rows that are cultivated and/or disked is not practical and will not happen. Parking on the shared avenue between Unti and Wilson properties is not acceptable. This dirt road is used for farming purposes and has no turn around space. If this were to be allowed, the cars would be turning around on one of our other vineyard avenues. We do not want this liability nor do we want it to become a practice.

In reality, if this application were approved, considering the close proximity to Dry Creek Road of the proposed winery building, the overflow parking would take place in bicycle lanes on both sides of the road as they do today at the Wilson Winery located at 1960 Dry Creek Road. This is unsafe and will not be allowed on our adjacent property, some of which fronts a rental house.

PRODUCTION FACILITIES

The existing blue metal shed that is currently used for various activities and is being proposed as a barrel room is of concern to us.

The building sits on the bank of an existing blue-line stream. How would wastewater be handled? What safeguards will be required to assure the wastewater does not become part of the stream?

We are also concerned about truck and forklift traffic between this building and the main location of the winery. The current shared vineyard avenue between Unti and Wilson, which is a dirt road, accommodates tractors and other farm equipment to carry out vineyard activities. We do not think its intended use, when established, was to accommodate commercial traffic.

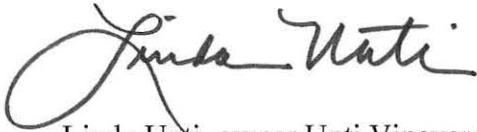
Page 2 -Unti

EVENT CENTER OR TASTING ROOM

We are very concerned that this proposal for a winery and tasting room is an event center in disguise. The request for 24 events does not seem reasonable. Where is the parking to accommodate these events and cars? The request seems to be a departure from what Dry Creek Valley is and has stood for in past history.



George Unti, owner Unti Vineyards, co-owner Unti Wine Company



Linda Unti, owner Unti Vineyards, co-owner Unti Wine Company

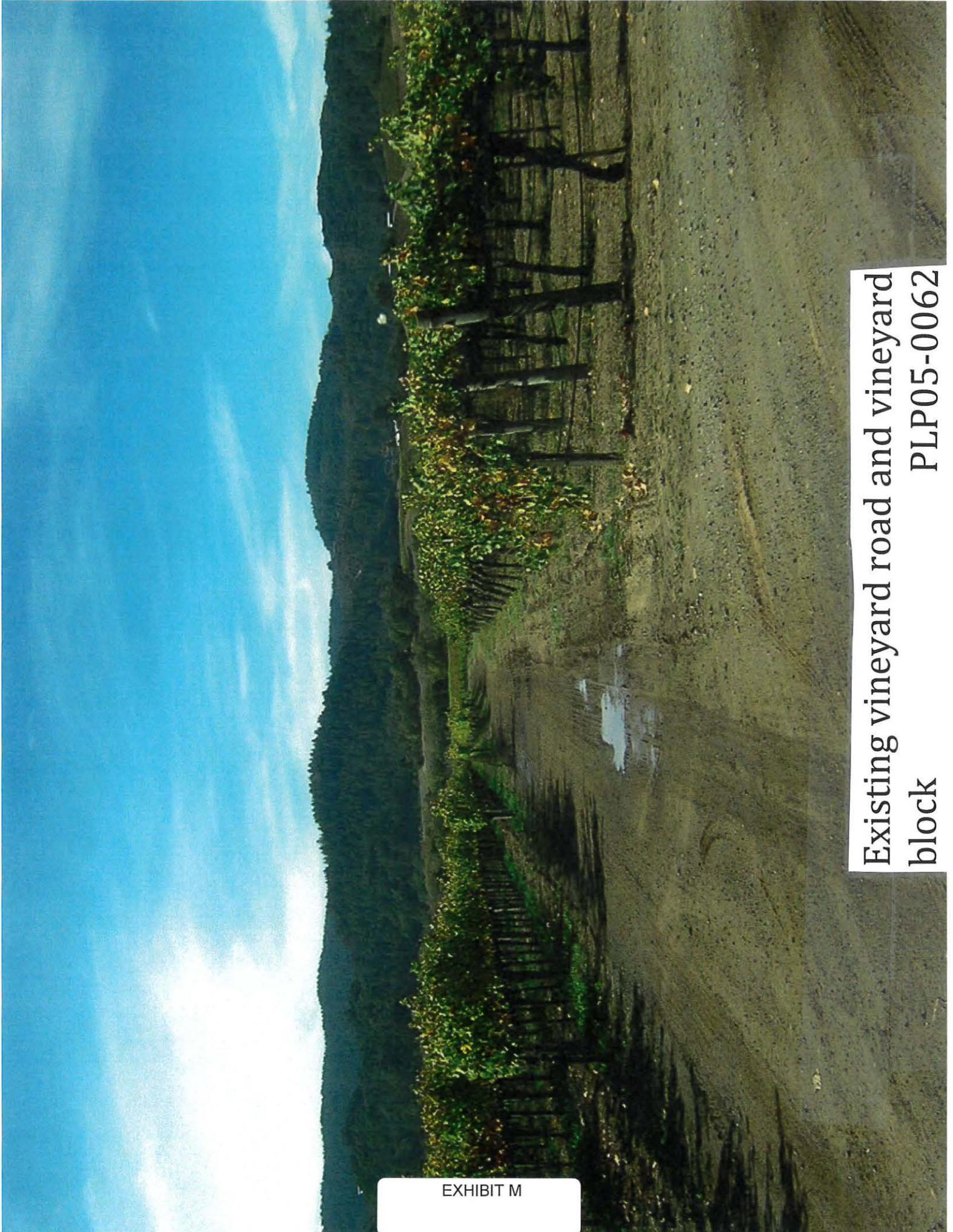


EXHIBIT M

Existing vineyard road and vineyard
block
PLP05-0062



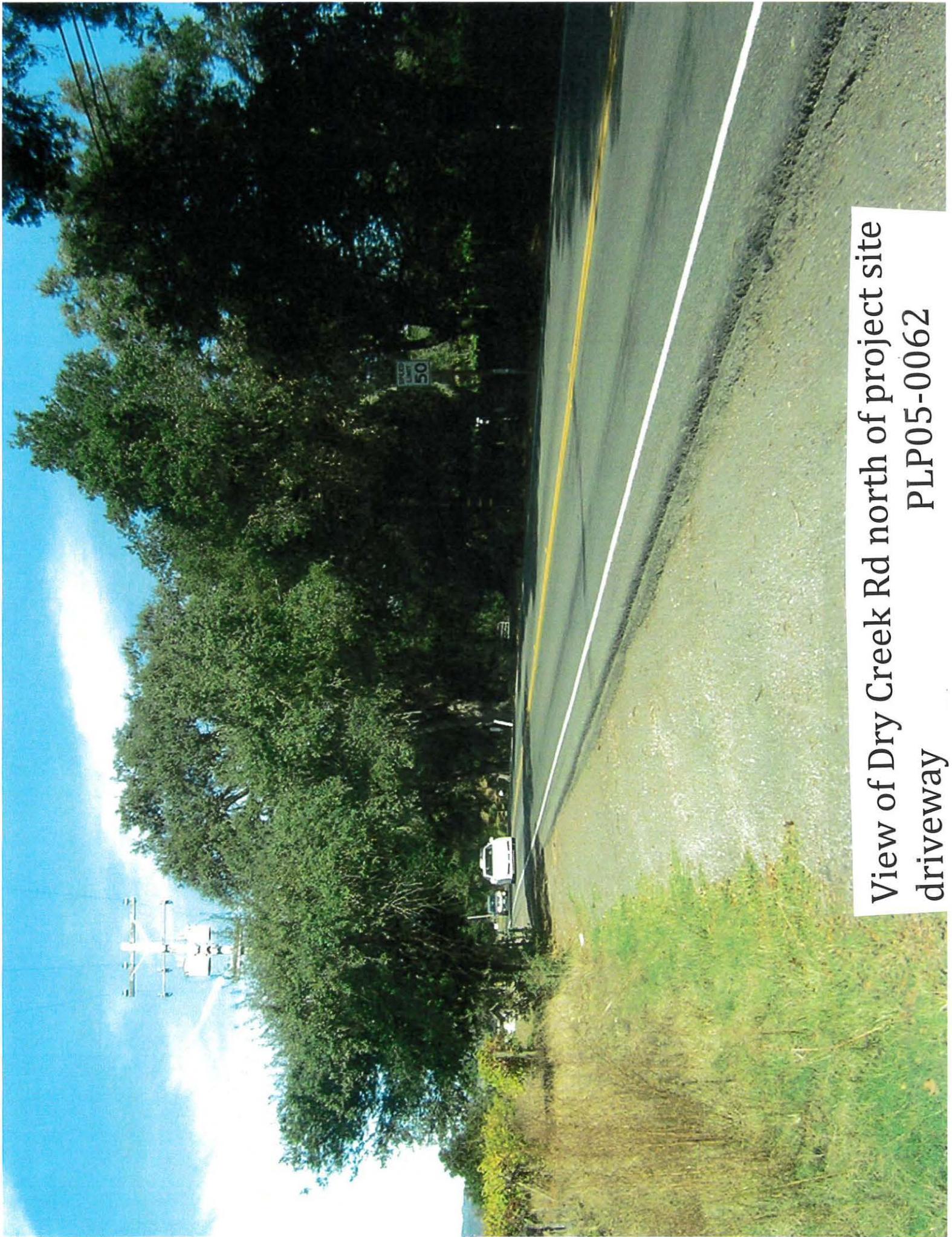
Seasonal stream PLP05-0062

Seasonal stream PLP05-0062

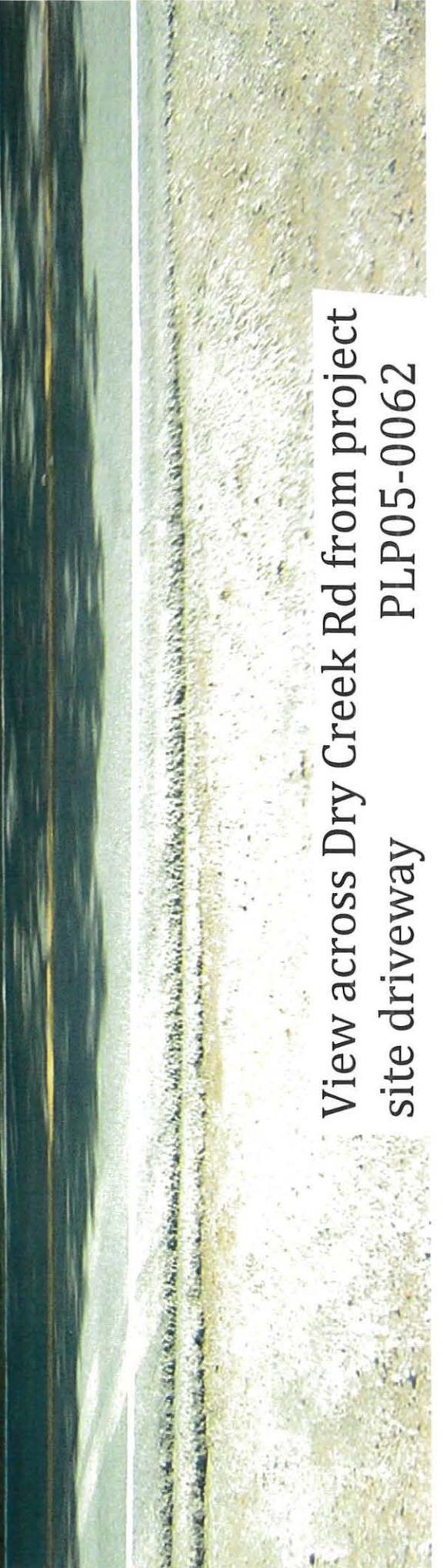




View of Dry Creek Rd south of project site
driveway PLP05-0062

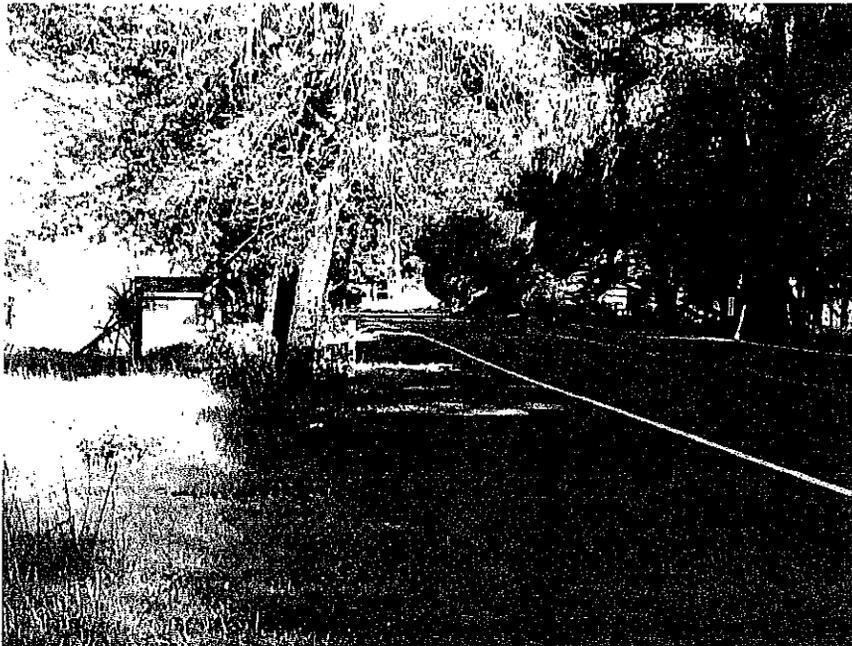


View of Dry Creek Rd north of project site
PLP05-0062
driveway



View across Dry Creek Rd from project
site driveway PLP05-0062

Traffic Impact Study for the Hale Vineyard Winery



Prepared for the
County of Sonoma



Submitted by

Whitlock & Weinberger Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500

web www.w-trans.com

475 14th Street
Suite 290
Oakland, CA 94612

voice 510.444.2600

February 5, 2015

EXHIBIT N

Table of Contents

	Page
Executive Summary	1
Introduction	2
Transportation Setting	4
Capacity Analysis	6
Alternative Modes	9
Site Access	10
Parking	12
Conclusions and Recommendations	13
Study Participants and References	14
Figure	
1 Study Area and Existing Volumes	3
Tables	
1 Trip Generation	6
2 Sight Distance Evaluation	10
Appendices	
A Intersection Level of Service Calculations	
B Collision Rate Calculations	
C Winery Trip Generation and Special Event Schedules	
D Turn Lane Warrants	

Executive Summary

To address ongoing concerns about the potential traffic impacts associated with the proposed Hale Vineyard Winery project, the letter report initially prepared for the project was expanded and later amended. These letters have been compiled into this single, comprehensive report for the benefit of the Board of Supervisors as well as the public. This report does not present new information; rather, it organizes and expands upon the information previously provided.

The proposed project would allow construction of a winery producing 25,000 cases annually at 4304 Dry Creek Road; the site is currently occupied by a storage facility and a 35-acre vineyard. The proposal also includes 24 special events. The winery and tasting room operation are expected to generate an average of 50 new trips per day, including 9 during the weekday p.m. peak hour and 10 during the Saturday midday peak hour; up to 92 trip ends would be generated by a large special event. The parking as proposed is adequate to serve all site uses.

Dry Creek Road currently carries about 3,050 vehicles per day on weekdays. While it has experienced an above average collision rate, the rate was not substantially above average, and review of the individual collisions did not indicate any specific safety concern. It is operating at LOS A during the weekday evening peak hour, and would operate at LOS B with project trips added. A sensitivity analysis indicates that up to 250 trips could be added to Dry Creek Road in each direction without exceeding the County's LOS C standard. The project trips, as well as those associated with multiple special events occurring simultaneously, would therefore be expected to have a less-than-significant impact.

Access to the project site will occur via the existing driveway at the westerly side of Dry Creek Road approximately 1500 feet south of Norris Road where sight lines in both directions are adequate. Additional visibility could be achieved by trimming vegetation along both sides of the road. A left-turn lane on Dry Creek Road at the project driveway is not warranted.

To support planned future construction of bike lanes along the section of Dry Creek Road serving the project site, right-of-way should be dedicated as necessary to achieve the width needed for the road widening.

Introduction

Introduction

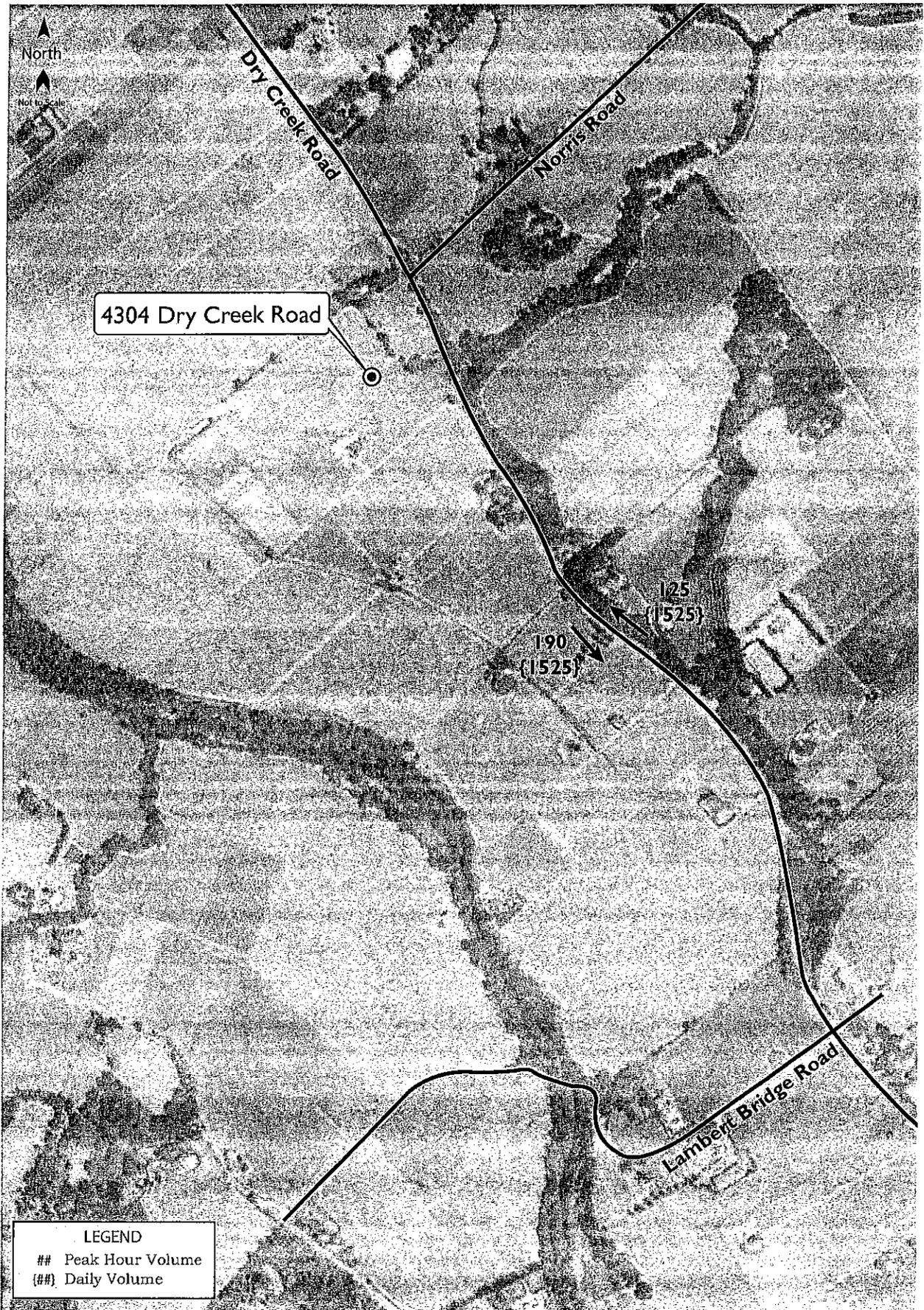
This report presents an analysis addressing potential traffic impacts associated with the development of the proposed Hale Vineyard Winery to be located at 4304 Dry Creek Road in the County of Sonoma, northwest of the City of Healdsburg.

Prelude

The purpose of a traffic impact study is to provide County staff and policy makers with data that they can use to make an informed decision regarding the potential traffic impacts of a proposed project, and any associated improvements that would be required in order to mitigate these impacts to a level of insignificance as defined by the County's General Plan or other policies. Vehicular traffic impacts are typically evaluated by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on existing travel patterns or anticipated travel patterns specific to the proposed project, then analyzing the impact the new traffic would be expected to have on critical intersections or roadway segments. Impacts relative to access for pedestrians, bicyclists, and to transit are also addressed.

Project Profile

The proposed project consists of the addition of a new winery producing 25,000 cases annually. The project application includes provisions for 24 special events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events on eight days. A vicinity map showing the project location is provided in Figure 1.



Traffic Impact Study for the Hale Vineyard Winery
Figure 1 – Study Area and Existing Volumes

Transportation Setting

Existing Conditions

Dry Creek Road is a two-lane road with a posted speed limit of 50 miles per hour (mph). There are paved shoulders on both sides of the road that are used as bicycle lanes. Based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at LOS A during the p.m. peak hour. It is classified as a Rural Major Collector road in Figure CT-4c of the *Sonoma County General Plan 2020 Circulation and Transit Element*. The roadway is marked with a solid double yellow centerline immediately in front of the driveway that transitions to a dashed yellow line for northbound traffic just north of Norris Road.

A copy of the level of service calculation is provided in Appendix A.

Study Area

The study area consists of Dry Creek Road fronting the winery site, and the project driveway providing access to the existing wine storage building and the 35-acre vineyard. The proposed project would take access from the existing driveway located on the west side of Dry Creek Road approximately 1,500 feet south of Norris Road and three-quarters of a mile north of Lambert Bridge Road.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current five-year period available is July 2008 through June 2013.

For this five-year period there were seven collisions reported on Dry Creek Road within one half mile in either direction of the existing driveway to the driveway resulting in a calculated collision rate 1.24 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average for two-lane rural roads with a speed limit less than 55 miles per hour, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 0.93 c/mvm. The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, so the records were reviewed in greater detail. Of the seven collisions reported, three were single vehicle collisions with improper turning described as the primary collision factor for two and driving under the influence for the other. The other four collisions involved two vehicles traveling in the same direction, so are likely associated with movements at driveways, and three were due to following drivers attempting to pass a vehicle making a turn. This type of collision is often associated with inadequate sight lines as well as drivers traveling at an excessive speed. As long as the driveway has adequate sight lines so that drivers have adequate time to react to movements into and out of the driveway, the project would not be expected to have a perceptible impact on safety conditions in the area.

The collision rate calculation is provided in Appendix B.

Traffic Operation Standards

The project site and study area fall under the County of Sonoma's jurisdiction. Based on the most recent criteria published by the County of Sonoma, the project would have a significant traffic impact if it results in any of the following conditions.

1. *On-site roads and frontage improvements:* Proposed on-site circulation and street frontage would not meet the County's minimum standards for roadway or driveway design, or potentially result in safety hazards, as determined by the County in consultation with a registered traffic engineer.
2. *Parking:* Proposed on-site parking supply would not be adequate to accommodate parking demand.
3. *Emergency Access:* The project site would have inadequate emergency access.
4. *Alternative Transportation:* The project provides inadequate facilities for alternative transportation modes (e.g., bus turnouts, bicycle racks, pedestrian pathways) and/or the project creates potential conflicts with adopted policies, plans, or programs supporting alternative transportation.
5. *Road Hazards:* Hazards are increased due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment, heavy pedestrian or truck traffic).
6. *Vehicle Queues:* The addition of project traffic causes the 95th percentile queue length to exceed roadway turn lane storage capacity.
7. *Signal Warrants:* The addition of the project's vehicle or pedestrian traffic causes an intersection to meet or exceed Caltrans signal warrant criteria.
8. *Turn Lanes:* The addition of project traffic causes an intersection to meet or exceed criteria for provision of a right- or left-turn lane on an intersection approach.
9. *Sight Lines:* The project constructs an unsignalized intersection (including driveways) or adds traffic to an existing unsignalized intersection approach that does not have adequate sight lines based upon Caltrans criteria for state highway intersections and County criteria for County roadway intersections.
10. *Intersections:* The County Level of Service standard for intersections is Level of Service D. The project would have a significant traffic impact if the project's traffic would cause an intersection currently operating at an acceptable level of service (LOS D or better) to operate below the standard (LOS E or F).
11. *Roadway Operation:* The Level of Service Standard for County roadway operations is to maintain a Level of Service C per Policy CT-4a.

Capacity Analysis

Project Description

The proposed project, as revised in July 2014, includes development of a 25,000 cases per year winery with a tasting room, as well as 24 special events, including eight days of participation in industry-wide events.

Trip Generation

For purposes of estimating the number of new trips that proposed projects can be expected to generate, *Trip Generation Manual*, 9th Edition, Institute of Transportation Engineers, 2012, is typically used. Since this publication does not contain information for wineries, Sonoma County's Winery Trip Generation form was used to determine the potential trip generation for the proposed project. Copies of the Winery Trip Generation spreadsheet and Event Schedule summaries are provided in Appendix C.

It was assumed that the winery will import just over half of the grapes needed to produce 25,000 cases of wine, with the remainder of the fruit coming from the adjacent vineyards.

The winery will have five employees for production, administration, and sales, and the tasting room will have one employee. Each is assumed to generate an average of three trips per day, resulting in 18 employee trips per day.

An average of 38 visitors per day is expected for tasting, with a high of 50 daily tasters during the summertime months and a low of about 20 visitors daily during the wintertime months. Based on the average vehicle occupancy of 2.5 visitors per vehicle and conservatively applying trips based on 50 visitors, an average of 30 daily trips is expected due to tasting room visitors. Data previously collected by W-Trans at a local Sonoma County Winery was used to develop factors for winery tasting room trips made during both the p.m. and weekend midday peak hour. These winery driveway counts were collected one week every month for a year and indicate that 10 percent of the daily tasting trips occur during the p.m. peak hour and 13 percent during the weekend midday peak. In addition to visitor and employee traffic, truck traffic in the form of deliveries is expected to contribute two trip ends per weekday.

As shown in Table 1, the proposed tasting room project would be expected to generate an average of 50 new trip ends per day during peak operation, including 9 trips during the weekday p.m. peak hour and 10 during the weekend midday peak hour. These new trips represent the increase in traffic associated with the project compared to existing volumes.

**Table 1
Trip Generation**

Trip Type	Units	Daily Trips	Weekday PM Peak			Saturday Midday Peak		
			Trips	In	Out	Trips	In	Out
Employees	5	15	5	1	4	5	2	3
Tasting Visitors	38	30	3	0	3	4	2	2
Tasting Room Employees	1	3	1	0	1	1	1	0
Trucks	1	2	0	0	0	0	0	0
Total New Trips		50	9	1	8	10	5	5

It should be noted that the trip generation estimates treat each visitor as if they were making a single-purpose trip to visit this one winery, when in fact most visitors are going to multiple tasting rooms while on the same trip. Given the proximity to other wineries along Dry Creek Road it is likely that the bulk of the tasting room traffic would be drawn from the existing stream of traffic generated by visitors already in the area that are visiting one or more of the surrounding wineries, so would not result in 30 new trips.

Special Events

The project application includes provisions for 24 special events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events on eight days. It is assumed that a maximum sized 100-person event would require a staff of six. Using an occupancy of 2.5 vehicles per guests and solo occupancy for staff, a maximum sized event would be expected to generate 92 trip ends at the driveway, including 46 inbound trips at the start of the event and 46 outbound trips upon its conclusion. It is noted that, while employees would typically arrive an hour or more before guests arrive and depart an hour or more after they leave, it was conservatively assumed that they arrive and depart during the same hour as guests. Further, it was assumed that all guests arrive during a single hour and depart during a single hour, though there may be those who arrive late or depart early. The traffic volume actually arriving during a single hour would therefore likely be less than the volumes as indicated and used for the analysis.

Annual Average Daily Event Traffic

For the purpose of calculating traffic impact fees, Sonoma County uses an annualized average trip generation that factors in event traffic. Over the course of a year, events are expected to generate an annualized average of eight trips per day. Obviously events only generate traffic on days when they occur; however, this annualized average is provided for staff's use only and was not used for any analysis purposes.

Finding: A maximum sized event would have a peak trip generation of 46 vehicle trips during a single hour. Averaged out over the course of the year, special events are expected to generate an average of 8 trips a day (AADT), as indicated on the County's standard winery trip generation form.

Harvest Season

As proposed, there would be no additional employees during harvest season. The importing of grapes and other production-related trips results in about one truck trip per day, on average, over the course of the two-month harvest season, or one round trip every other day. The trip generation variation over the course of the year is shown in the Winery Trip Generation Form.

Existing plus Project Conditions

County data obtained during August of 2011 and 2014 were reviewed to determine hourly volumes for Dry Creek Road. Both counts were performed in August, which tends to be one of the highest-volume months of the year, and had very similar average volumes during the p.m. peak hour. These counts indicate about Dry Creek Road carries about 315 vehicles during the peak hour, with 125 northbound and 190 southbound, and operates at LOS A during the p.m. peak hour. The project is expected to generate a maximum of 46 trips during any hour. With these trips added to the existing peak hour volumes, Dry Creek Road would be expected to operate at LOS B. The project's impact is therefore less than significant. It is further noted that the peak trip generation of 46 trips would be unlikely to occur during the peak hour.

Traffic counts for Saturday and Sunday were also reviewed, and it was determined that, while the peak hour on a Saturday occurs during the middle of the day, the volumes are very similar to those during the weekday evening peak hour. Volumes during the Sunday peak hour, which was also during the middle of the day, were lower than those on either a Saturday or during the evening peak hour. The analysis using peak hour volumes therefore adequately captures operation on a weekend as well.

Consideration was given to the potential for multiple events to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, even if five such events occurred in the same area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

One concern expressed regarding the project is that traffic control officers should be mandatory for special events. The analysis performed indicates that there is no need for such a requirement, as traffic operations would continue to be acceptable with the addition of project-generated trips.

Finding: Due to the minimal number of peak hour trips that the project is expected to generate, traffic operation is expected to be essentially unchanged upon adding project-generated trips. Further, there is sufficient capacity to accommodate trips associated with special events, even if multiple events occurred simultaneously. The project would therefore have a less-than-significant impact on traffic operation.

Alternative Modes

While the rural nature of Dry Creek Road makes it unlikely that there will be any substantial volume of pedestrian traffic, Dry Creek Road is a popular route for bicycle travel. This is due, at least in part, to the presence of wide shoulders in the easterly part of the route that provide cyclists with a place to ride that is outside the vehicle travel lane. Within the project area Dry Creek Road is designated as a future Class II bike route in the *Sonoma County Bicycle and Pedestrian Plan*. The project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel. However, to provide for the planned future bike lanes, the project should ensure that adequate right-of-way is available along the project's frontage so that at such time as the County undertakes a project to construct the bike lanes they will have adequate width to build the lane.

Finding: The project will have no direct impact on adequacy of facilities for bicyclists, but should provide for planned future improvements as appropriate.

Recommendation: The project should dedicate right-of-way as necessary to accommodate a 6-foot shoulder on Dry Creek Road along the project site's roadway frontage.

Site Access

The site would be accessed by a single, existing driveway on Dry Creek Road.

Sight Distance

At unsignalized driveways a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either turn left or turn right, without requiring the through traffic to radically alter their speed.

Sight distance along Dry Creek Road from the proposed driveway was evaluated based on sight distance criteria contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines include recommended sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches and for drivers of stopped vehicles at the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left as compared to turning right.

A field visit of the project site and study area was conducted. Sight distance was measured from a 3.5-foot height at the location of the driver 15 feet back from the edgeline on the minor road to a 4.25-foot object height in the center of the approaching lane of the major road. During the course of the field review a short speed survey was performed that indicates that the 85th percentile speed of drivers approaching the driveway was 53 mph. A design speed of 55 mph was therefore used to capture the actual speed at which drivers are traveling. Based on a 55-mph design speed, AASHTO recommends the sight distances indicated in Table 2 for the associated movements.

Table 2
Sight Distance Evaluation

Type of Sight Distance	Minimum (feet)	Available (feet)
Outbound Right Turn	530	800-plus
Outbound Left Turn	610	665
Following Inbound Left Turn	495	535

As shown in Table 2, the available sight lines for both inbound and outbound movements exceed the minimums recommended for the 55-mph design speed applied. It was noted during the sight visit that there is vegetation that restricts sight lines in both directions (ground-level branches on a tree to the northwest and a bush on the inside of the curve to the southeast). Trimming of this vegetation would increase sight lines and ensure adequate visibility when drivers are substantially exceeding the 50-mph speed limit.

A concern has been expressed by one of the neighbors of the project site that sight distance standards ignore the fact that drivers' reaction times will be impaired as the whole point of special events is to drink wine. However, it is noted that wineries are responsible for monitoring the consumption of alcohol on their premises and law enforcement officials are responsible for the enforcement of driver behavior. Engineering studies are based on the typical conditions of the land use, roadways and motorists. Based on observations of wine tasting events in Dry Creek Valley it has been noted that many attendees have a designated driver. Further, events generally provide only wine tasting, or a small amount of various kinds

of wine, resulting in the consumption of one to two glasses of wine total. Also, such events pair the wine with food, diluting the impact of the alcohol.

The placement of signs or landscaping near a driveway can impede upon the availability of clear sight lines. Therefore, it is recommended that any elements placed near the project driveways either be low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained.

Recommendations: Vegetation along Dry Creek Road that limits sight lines should be trimmed if permission can be obtained from the appropriate property owners. Landscaping and vegetation along the frontage should be kept out of sight lines or have a height of less than three feet or be above seven feet for tree canopies.

Left-Turn Lane Warrants

The need for left-turn channelization in the form of a left-turn pocket on Dry Creek Road was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans *Highway Design Manual*.

For this analysis it was conservatively assumed that all project related traffic would access the site via northbound left turns, as this condition represents the greatest potential need for a left-turn pocket. Although special events would not typically start during a peak hour, to evaluate worst case conditions, inbound trips to a maximum-sized event were used along with volumes during the peak hour. Even using this conservative approach a left-turn lane is not warranted.

A sensitivity analysis was conducted to determine at what point a left-turn lane would be warranted. Based on weekend midday peak hour volumes, there would need to be about 203 vehicles turning left from Dry Creek Road to the proposed project during a single hour before a left-turn pocket would be warranted.

Based on the evaluation performed as well as the lack of left-turn pockets for the majority of wineries on Dry Creek Road, as well as at the interchange with US 101, a left-turn pocket is not recommended. A copy of the Left-Turn Lane Warrant spreadsheet is provided in Appendix D.

Parking

As proposed, the project site would have 22 marked parking spaces available for use by employees and visitors, two of which would be designated for handicap access. During typical daily operation up to six employees would be on-site simultaneously and there would be up to eight vehicles associated with wine tasting visitors. The proposed supply is more than adequate to meet the demand on a typical day.

During events having 100 attendees, parking would be needed for 46 vehicles (40 for attendees and six for staff). It is understood that parking for the additional 24 vehicles would take place along the driveway or between rows of vines.

While participation in larger industry-wide events would result in a higher attendance overall, such events are spread over many hours, with attendees spending an hour or less at each winery. The parking needed for such an event is therefore less than that for a 100-person event where all attendees are on-site simultaneously.

Finding: the parking as proposed, including use of vineyard rows for overflow parking during an event, is expected to be adequate to serve all site uses.

Conclusions and Recommendations

Conclusions

- Dry Creek Road is currently operating at LOS A during the evening peak hour, and is expected to operate at LOS B with project trips added.
- The proposed winery is expected to generate an average of 50 new daily trips and a maximum of 46 hourly trips during a special event.
- An additional 250 trips per hour could be added along this section of Dry Creek Road while maintaining acceptable LOS C operation during either the weekday p.m. peak hour or the weekend midday peak hour. The project added trips, as well as those from multiple simultaneous special events, would therefore have a less-than-significant impact.
- Sight distance at the location of the existing driveway is acceptable in both directions as well as for vehicles traveling on Dry Creek Road.
- A left-turn pocket is not warranted on Dry Creek Road at the existing access driveway with the addition of the project, even under conservative assumptions.
- Parking as proposed is expected to be adequate to serve all proposed site uses.

Recommendations

- Any landscaping or signs placed near the project driveway should be either low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained.
- Right-of-way along the project site's frontage on Dry Creek Road should be dedicated as necessary to provide adequate width for the planned future bike lane.

Study Participants and References

Study Participants

Principal in Charge: Dalene J. Whitlock, PE, PTOE
Technician/Graphics: Deborah J. Mizell
Report Preparation: Allison Jaromin
Editing/Formatting: Angela McCoy

References

2010 Sonoma County Bicycle and Pedestrian Plan, County of Sonoma, 2010
Highway Design Manual, 6th Edition, California Department of Transportation, 2012
Intersection Channelization Design Guide, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985
A Policy on Geometric Design of Highways and Streets, 6th Edition, American Association of State Highway and Transportation Officials, 2011
Sonoma County General Plan 2020 – Circulation and Transit Element, County of Sonoma, 2010
Sonoma County, California Municipal Code, Municipal Code Corporation, 2014
Statewide Integrated Traffic Records System (SWITRS), California Highway Patrol, 2008-2013

SOX249



Appendix A

Intersection Level of Service Calculations

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
Agency/Co. County of Sonoma
Date Performed 12/5/2014
Analysis Time Period Existing
Highway Dry Creek Road
From/To northwest of Healdsburg
Jurisdiction County of Sonoma
Analysis Year 2014
Description Hale Vineyard Winery

Input Data

Highway class	Class 2	Peak hour factor, PHF	0.88
Shoulder width	6.0 ft	% Trucks and buses	6 %
Lane width	12.0 ft	% Trucks crawling	0.0 %
Segment length	2.0 mi	Truck crawl speed	0.0 mi/hr
Terrain type	Specific Grade	% Recreational vehicles	4 %
Grade: Length	0.25 mi	% No-passing zones	80 %
Up/down	3.0 %	Access point density	15 /mi

Analysis direction volume, Vd 125 veh/h
Opposing direction volume, Vo 195 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, BT	2.5	1.5
PCE for RVs, ER	1.1	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.913	0.971
Grade adj. factor, (note-1) fg	0.81	1.00
Directional flow rate, (note-2) vi	192 pc/h	228 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM - mi/h
Observed total demand, (note-3) V - veh/h

Estimated Free-Flow Speed:

Base free-flow speed, (note-3) BFFS 60.0 mi/h
Adj. for lane and shoulder width, (note-3) fLS 0.0 mi/h
Adj. for access point density, (note-3) fA 3.8 mi/h

Free-flow speed, FFSd 56.3 mi/h

Adjustment for no-passing zones, fnp 3.8 mi/h
Average travel speed, ATSD 49.2 mi/h
Percent Free Flow Speed, PFFS 87.5 %

Percent Time-Spent-Following

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.0	1.1
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	0.994
Grade adjustment factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	143 pc/h	223 pc/h
Base percent time-spent-following, (note-4) BPTSFD	16.6 %	
Adjustment for no-passing zones, fnp	53.9	
Percent time-spent-following, PTSFD	37.7 %	

Level of Service and Other Performance Measures

Level of service, LOS	A	
Volume to capacity ratio, v/c	0.08	
Peak 15-min vehicle-miles of travel, VMT15	71	veh-mi
Peak-hour vehicle-miles of travel, VMT60	250	veh-mi
Peak 15-min total travel time, TT15	1.4	veh-h
Capacity from ATS, CdATS	1329	veh/h
Capacity from PTSF, CdPTSF	1675	veh/h
Directional Capacity	1675	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	49.2	mi/h
Percent time-spent-following, PTSFD (from above)	37.7	
Level of service, LOSd (from above)	A	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSp1	-	
Percent free flow speed including passing lane, PFFSp1	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
Agency/Co. County of Sonoma
Date Performed 12/5/2014
Analysis Time Period Existing plus Project
Highway Dry Creek Road
From/To northwest of Healdsburg
Jurisdiction County of Sonoma
Analysis Year 2014
Description Hale Vineyard Winery

Input Data

Highway class	Class 2	Peak hour factor, PHF	0.88
Shoulder width	6.0 ft	% Trucks and buses	6 %
Lane width	12.0 ft	% Trucks crawling	0.0 %
Segment length	2.0 mi	Truck crawl speed	0.0 mi/hr
Terrain type	Specific Grade	% Recreational vehicles	4 %
Grade: Length	0.25 mi	% No-passing zones	80 %
Up/down	3.0 %	Access point density	15 /mi

Analysis direction volume, Vd 171 veh/h
Opposing direction volume, Vo 195 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	2.4	1.5
PCE for RVs, ER	1.1	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.919	0.971
Grade adj. factor, (note-1) fg	0.84	1.00
Directional flow rate, (note-2) vi	252 pc/h	228 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM - mi/h
Observed total demand, (note-3) V - veh/h

Estimated Free-Flow Speed:

Base free-flow speed, (note-3) BFFS 60.0 mi/h
Adj. for lane and shoulder width, (note-3) fLS 0.0 mi/h
Adj. for access point density, (note-3) fA 3.8 mi/h

Free-flow speed, FFSd 56.3 mi/h

Adjustment for no-passing zones, fnp 3.8 mi/h
Average travel speed, ATSD 48.8 mi/h
Percent Free Flow Speed, PFFS 86.7 %

Percent Time-Spent-Following

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.0	1.1
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	0.994
Grade adjustment factor, (note-1) fg	0.99	1.00
Directional flow rate, (note-2) vi	196 pc/h	223 pc/h
Base percent time-spent-following, (note-4) BPTSfd	21.9 %	
Adjustment for no-passing zones, fnp	60.3	
Percent time-spent-following, PTSFd	50.1 %	

Level of Service and Other Performance Measures

Level of service, LOS	B	
Volume to capacity ratio, v/c	0.12	
Peak 15-min vehicle-miles of travel, VMT15	97	veh-mi
Peak-hour vehicle-miles of travel, VMT60	342	veh-mi
Peak 15-min total travel time, TT15	2.0	veh-h
Capacity from ATS, CdATS	1329	veh/h
Capacity from PTSF, CdPTSF	1675	veh/h
Directional Capacity	1675	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	48.8	mi/h
Percent time-spent-following, PTSFd (from above)	50.1	
Level of service, LOSd (from above)	B	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSp1	-	
Percent free flow speed including passing lane, PFFSp1	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
Agency/Co. County of Sonoma
Date Performed 12/5/2014
Analysis Time Period Existing plus Multiple Events
Highway Dry Creek Road
From/To northwest of Healdsburg
Jurisdiction County of Sonoma
Analysis Year 2014
Description Hale Vineyard Winery

Input Data

Highway class	Class 2	Peak hour factor, PHF	0.88
Shoulder width	6.0 ft	% Trucks and buses	6 %
Lane width	12.0 ft	% Trucks crawling	0.0 %
Segment length	2.0 mi	Truck crawl speed	0.0 mi/hr
Terrain type	Level	% Recreational vehicles	4 %
Grade: Length	- mi	% No-passing zones	80 %
Up/down	- %	Access point density	15 /mi

Analysis direction volume, Vd 375 veh/h
Opposing direction volume, Vo 445 veh/h

Average Travel Speed

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.3	1.2
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.982	0.988
Grade adj. factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	434 pc/h	512 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM - mi/h
Observed total demand, (note-3) V - veh/h

Estimated Free-Flow Speed:

Base free-flow speed, (note-3) BFFS 60.0 mi/h
Adj. for lane and shoulder width, (note-3) fLS 0.0 mi/h
Adj. for access point density, (note-3) fA 3.8 mi/h

Free-flow speed, FFSD 56.3 mi/h

Adjustment for no-passing zones, fnp 2.2 mi/h
Average travel speed, ATSD 46.7 mi/h
Percent Free Flow Speed, PFFS 83.0 %

Percent Time-Spent-Following

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.0	1.0
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	1.000
Grade adjustment factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	426 pc/h	506 pc/h
Base percent time-spent-following, (note-4) BPTSFD	46.8 %	
Adjustment for no-passing zones, fnp	39.2	
Percent time-spent-following, PTSFD	64.7 %	

Level of Service and Other Performance Measures

Level of service, LOS	C
Volume to capacity ratio, v/c	0.25
Peak 15-min vehicle-miles of travel, VMT15	213 veh-mi
Peak-hour vehicle-miles of travel, VMT60	750 veh-mi
Peak 15-min total travel time, TT15	4.6 veh-h
Capacity from ATS, CdATS	1680 veh/h
Capacity from PTSF, CdPTSF	1700 veh/h
Directional Capacity	1700 veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	46.7	mi/h
Percent time-spent-following, PTSFD (from above)	64.7	
Level of service, LOSd (from above)	C	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSp1	-	
Percent free flow speed including passing lane, PFFSp1	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A
Peak 15-min total travel time, TT15	- veh-h

Bicycle Level of Service

Appendix B

Collision Rate Calculations

SEGMENT COLLISION RATE CALCULATIONS

Hale Vineyard Winery

Location: 4304 Dry Creek Road

Date of Count: Saturday, January 00, 1900
ADT: 3,100

Number of Collisions: 7
Number of Injuries: 3
Number of Fatalities: 0
Start Date: July 1, 2008
End Date: June 30, 2013
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: ≤55
Terrain: Flat

Segment Length: 1.0 miles
Direction: North/South

$$\frac{\text{Number of Collisions} \times 1 \text{ Million}}{\text{ADT} \times 365 \text{ Days per Year} \times \text{Segment Length} \times \text{Number of Years}}$$

$$\frac{7 \times 1,000,000}{3,100 \times 365 \times 1 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.24 c/mvm	0.0%	42.9%
Statewide Average*	0.93 c/mvm	2.4%	40.1%

ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2010 Collision Data on California State Highways, Caltrans

Appendix C

Winery Trip Generation and Special Event Schedules

Winery Trip Generation

Winery: Hale Winery
Location: 4304 Dry Creek Road, Healdsburg, CA
Annual Full Production (cases): 25,000 cases

WINERY OPERATIONS

WINERY Operations - Employee traffic using passenger vehicles, in average ADT

Item Description	Employees		Trips			
	Existing	Proposed	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production (use 3 ADT / employee)	n/a	1	n/a	3	6	3
Cellar / Storage (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Administrative (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Sales (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Bottling (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Other staff (describe):	n/a	0	n/a	0	0	0
Totals	0	5	0	15	12	15

WINERY Operations - Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 12 Dates of Activity: 8/15 to 10/15	n/a	0.07
Juice Importation Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Juice Exportation Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Pomace Disposal Truck loads per year: 0 Dates of Activity: - to - Disposed: on site	n/a	0
Bottle Delivery Truck loads per year: 13 Dates of Activity: Aug to Feb	n/a	0.10
Barrel Delivery Truck loads per year: 2 Dates of Activity: 9/1 to 9/30	n/a	0.02
Finished Wine Transportation to storage/sales Truck loads per year: 25 Dates of Activity: 1/1 to 12/31	n/a	0.19
Less Backhauls Truck loads per year: 0 Dates of Activity: 1/1 to 12/31	n/a	0
Miscellaneous trips Truck loads per year: 47 Dates of Activity: 1/1 to 12/31	n/a	1.36
Totals	0.00	1.73

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round (use 3 ADT / employee)	n/a	0	n/a	0
Vineyard Maintenance: Peak Season (use 3 ADT / employee)	n/a	0	n/a	0
Totals	n/a	0	0	0

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors (divide by 2.5 people per vehicle to arrive at ADT)	n/a	38	n/a	30
Tasting Room Employees (use 3 ADT / employee)	n/a	1	n/a	3
Other	n/a		n/a	
Totals	n/a	39	0	33

Months of Operation (attach an explanation of how the operation varies seasonally)	n/a	Year Round
Days of Operation (e.g., 7 days a week; weekends only; etc)	n/a	7 days a week
Hours of Operation - Non-Harvest Season	n/a	8am to 5pm
Hours of Operation - Harvest Season	n/a	8am to 8pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic (please transfer data from attached form)	n/a	8
Other (2 existing mobile homes and wine storage building)	n/a	
Totals	0	8

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Employee Traffic associated with winery operations	n/a	15
Truck Traffic associated with winery operations	n/a	2
Employee Traffic associated with vineyard operations	n/a	0
Tasting Room Traffic (employees and visitors)	n/a	33
Event Traffic (employee and visitors)	n/a	8
Miscellaneous other traffic generators	n/a	0
Totals	0	58

Variation In ADT during the course of a typical full production year (Proposed Trips)

Month	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Totals	53	40	67	41	53	64	57	67	64	82	59	33

EVENT SCHEDULE

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Weddings

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays												
Saturdays						1	1					
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event						100						100
# employees / event						6						6
# guest vehicles / event						40						40
# employees / vehicles						1						1

For Sunday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Agricultural Promotional Events

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thurs)												
Fridays												
Saturdays	1	1	1	1	1	1	1	1	1	1	1	1
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Arrival											Departure	
# guests / event													80
# employees / event													5
# guest vehicles / event													32
# employees / vehicles													1

For Saturday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Charitable Benefits

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thurs)												
Fridays										1	1	
Saturdays												
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events											Arrival	Departure
# guests / event											80	80
# employees / event											5	5
# guest vehicles / event											32	32
# employees / vehicles											1	1

For Sunday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Appendix D

Turn Lane Warrants

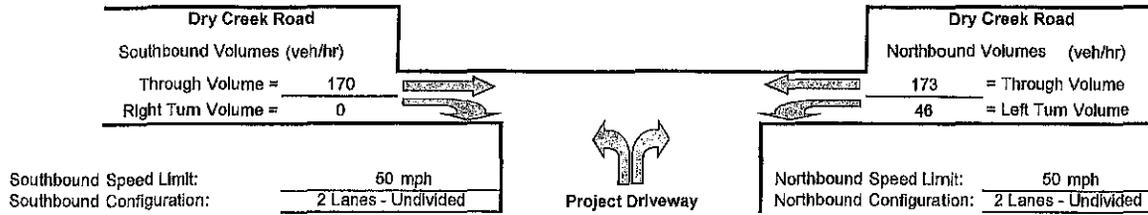
Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Dry Creek Road

Study Scenario: Existing + Project (Weekend Midday Peak for project, PM Peak for roadway)

Direction of Analysis Street: North/South

Cross Street intersects: From the West



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

NOT WARRANTED Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = -
 Advancing Volume Va = 170
 If $AV < Va$ then warrant is met -

Right Turn Lane Warranted: **NO**

Southbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume Va = 170
 If $AV < Va$ then warrant is met -

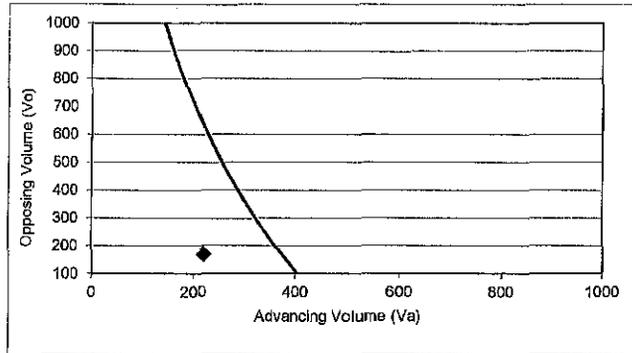
Right Turn Taper Warranted: **NO**

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt 21.0 %

Advancing Volume Threshold AV 373 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection

Two lane roadway warrant threshold for: 50 mph

Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: **NO**

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.

The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.

The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakraborty in 1991.

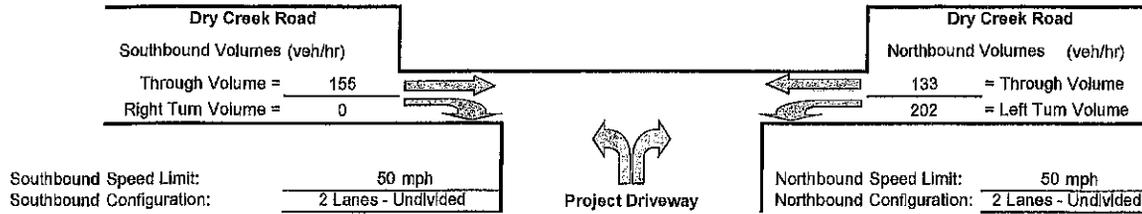
Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Dry Creek Road

Study Scenario: Existing + Project (Weekend Midday Peak) - Sensitivity Analysis

Direction of Analysis Street: North/South

Cross Street Intersects: From the West



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

NOT WARRANTED - Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = -
 Advancing Volume Va = 155
 If $AV < Va$ then warrant is met -

Right Turn Lane Warranted: NO

Southbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume Va = 155
 If $AV < Va$ then warrant is met -

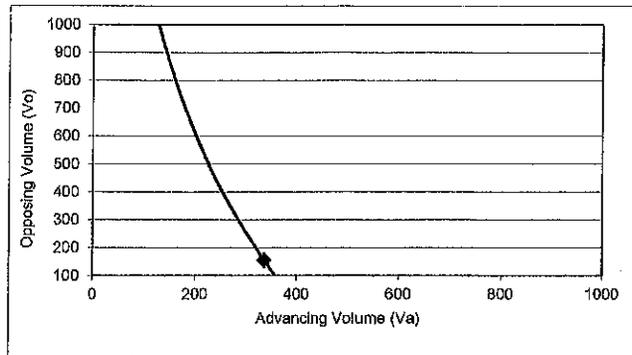
Right Turn Taper Warranted: NO

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt 80.3 %

Advancing Volume Threshold AV 336 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection

Two lane roadway warrant threshold for: 50 mph

Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.

The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.

The left turn lane analysis is based on work conducted by M.D. Harmelink in 1987, and modified by Kikuchi and Chakroborty in 1991.

Memo

Date: February 5, 2015
To: Traci Tesconi, Planner III
Sonoma County Permit and Resource Management Department
From: Michael Thill, Principal Consultant
Illingworth & Rodkin, Inc.
Subject: Hales Winery, Sonoma County, CA (PLP05-0062) –

This memo has been prepared at your request to address any new or substantially different noise impacts resulting from the slight shift in location of the front parking area at the Hales Winery site. Based on our review of the site plan dated February, 4, 2015, we understand that the front parking area has been shifted slightly southward, to a position approximately 140 to 150 feet from the residential property lines that border the site to the north and south, respectively.

The slight shift in the location of the front parking lot away from the residential receptor to the north would be expected to result in noise levels below those predicted in our original noise assessment because of the additional distance separating the noise source from the residential property line. Parking lot noise levels would be expected to increase by about 4 dBA above the noise levels predicted in our original noise assessment and range from 38 to 48 dBA at a distance of 150 feet. However, predicted parking lot noise levels would continue to remain below the daytime (60 dBA) and nighttime (55 dBA) noise level limits at the nearest residential property line to the south. No new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval would be required.

We trust that this information meets your needs. If you have any questions or needs for additional information, please do not hesitate to contact us.

(06-068)

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

1 Willowbrook Court, Suite 120

Petaluma, California 94954

Tel: 707-794-0400

www.illingworthrodkin.com

Fax: 707-794-0405

illro@illingworthrodkin.com

May 13, 2014

Revised October 9, 2014

Mr. Kenneth Wilson
438 Matheson Street
Healdsburg, CA 95448

VIA E-Mail: ken@wilsonwinery.com

**SUBJECT: Hales Winery, Sonoma County, CA
Special Events Noise Assessment**

Dear Ken:

This letter presents the results of our analysis of potential noise impacts resulting from special events at Hales Winery proposed at 4304 Dry Creek Road in Sonoma County. We understand that the 25,000 case winery project was previously approved, and that the County has requested an updated sound study to address non-amplified and amplified music during proposed special events.

This assessment includes a summary of applicable regulatory criteria established in the Sonoma County General Plan, a summary of ambient noise data, and projections of noise levels calculated at nearby sensitive receivers during special events. Where noise levels are predicted to exceed applicable regulatory criteria, mitigation is proposed.

Regulatory Criteria

Goals, objectives, and policies, designed to protect noise-sensitive uses from exposure to excessive noise, are set forth in the Noise Element of the Sonoma County General Plan 2020. The following objectives and policies are applicable in the assessment of the proposed project:

Objective NE-1.2: Develop and implement measures to avoid exposure of people to excessive noise levels.

Objective NE-1.3: Protect the present noise environment and prevent intrusion of new noise sources which would substantially alter the noise environment.

Policy NE-1a: Designate areas within Sonoma County as noise impacted if they are exposed to existing or projected exterior noise levels exceeding 60 dB L_{dn} , 60 dB CNEL, or the performance standards of Table NE-2 (Table 1 of this report).

Policy NE-1c: Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 (Table 3) of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use. Limit exceptions to the following:

(1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.

(2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.

(3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.

(4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.

(5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:

(a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and

(b) There is available open land on these noise sensitive lands for noise attenuation. This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

TABLE 1 Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)

Hourly Noise Metric ¹ , dBA	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
L ₅₀ (30 minutes in any hour)	50	45
L ₂₅ (15 minutes in any hour)	55	50
L ₀₈ (5 minutes in any hour)	60	55
L ₀₂ (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

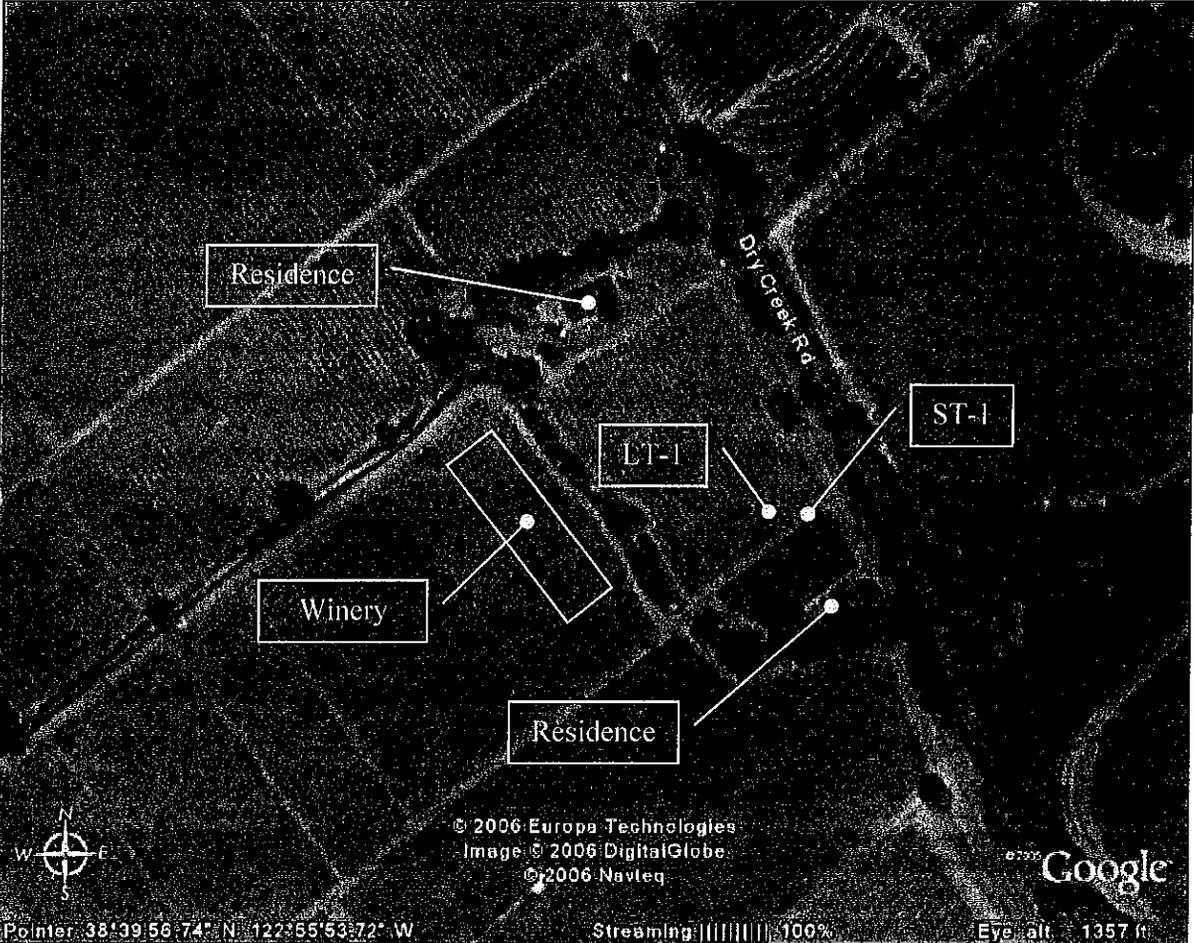
Noise Monitoring Survey

Illingworth & Rodkin, Inc. quantified ambient noise levels and identified sources of ambient noise at sensitive receivers to the north and east of the proposed winery. The approximate positions of the noise measurement locations are shown on Figure 1. A long-term noise measurement and a short-term noise measurement were made at representative locations to document existing noise levels at the nearest residential receivers.

Long-term noise measurement location LT-1 was approximately 135 feet from the center of Dry Creek Road at the approximate setback of a residence north of the site. Noise levels were measured beginning on the afternoon of April 5, 2006 and concluding on the afternoon of April 7, 2006. Figures 2 and 3 show the daily distribution of noise levels gathered at LT-1. The day-night average noise level at LT-1 ranged from 57 to 58 dBA L_{dn}.

A short-term noise measurement was made at one additional location. The short-term measurement location was selected to represent the noise environment at the nearest residential land use to the east. The sound level meter was located approximately 87 feet from the center of Dry Creek Road to quantify noise levels closer to the roadway. The average noise level measured from 4:00 pm to 4:15 pm on April 5, 2006 was 60 dBA. The estimated L_{dn} noise level at this position is 63 to 64 dBA.

Figure 1 Aerial Photo Showing Noise Monitoring Positions



Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 5 - 6, 2006

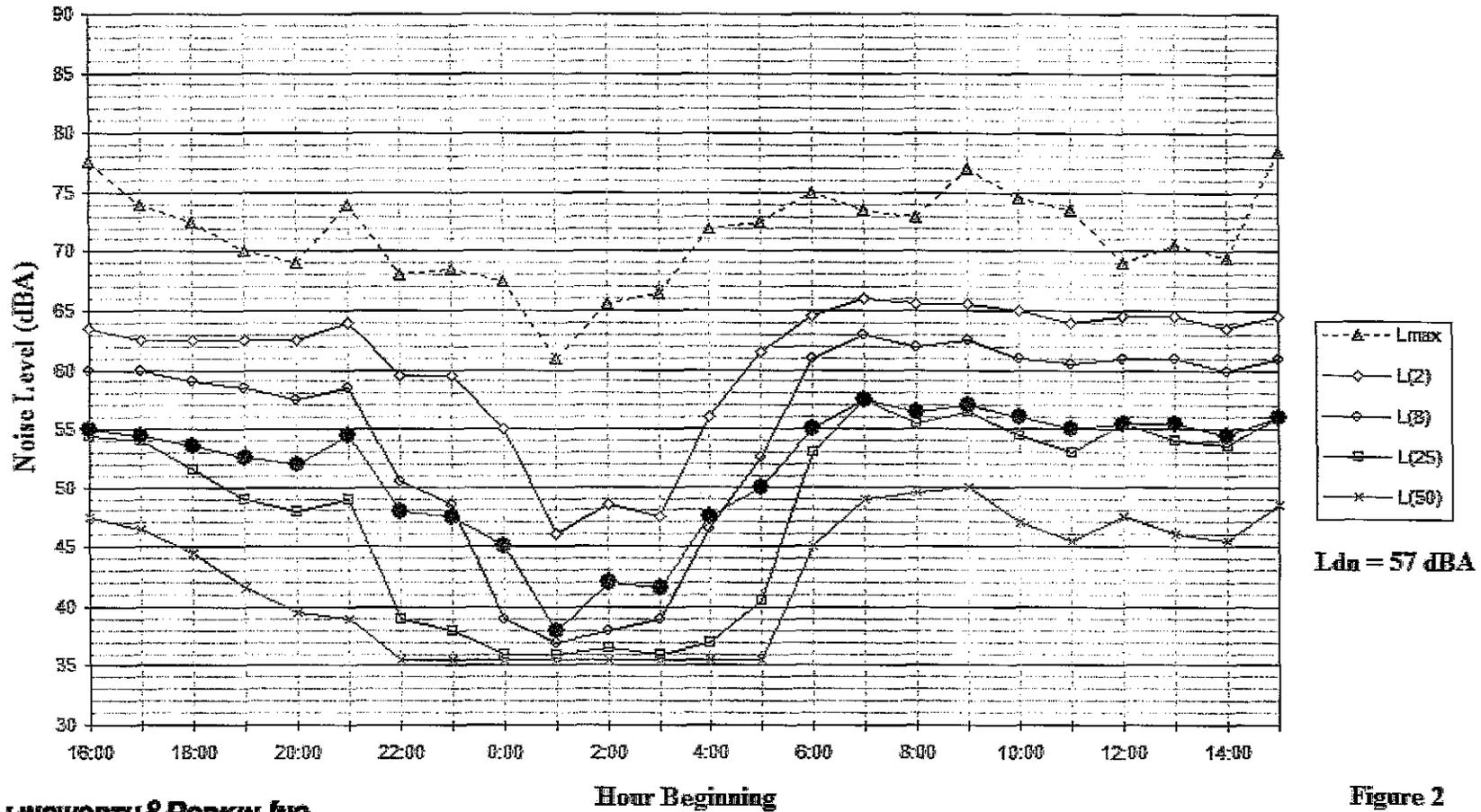


Figure 2

Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 6 - 7, 2006

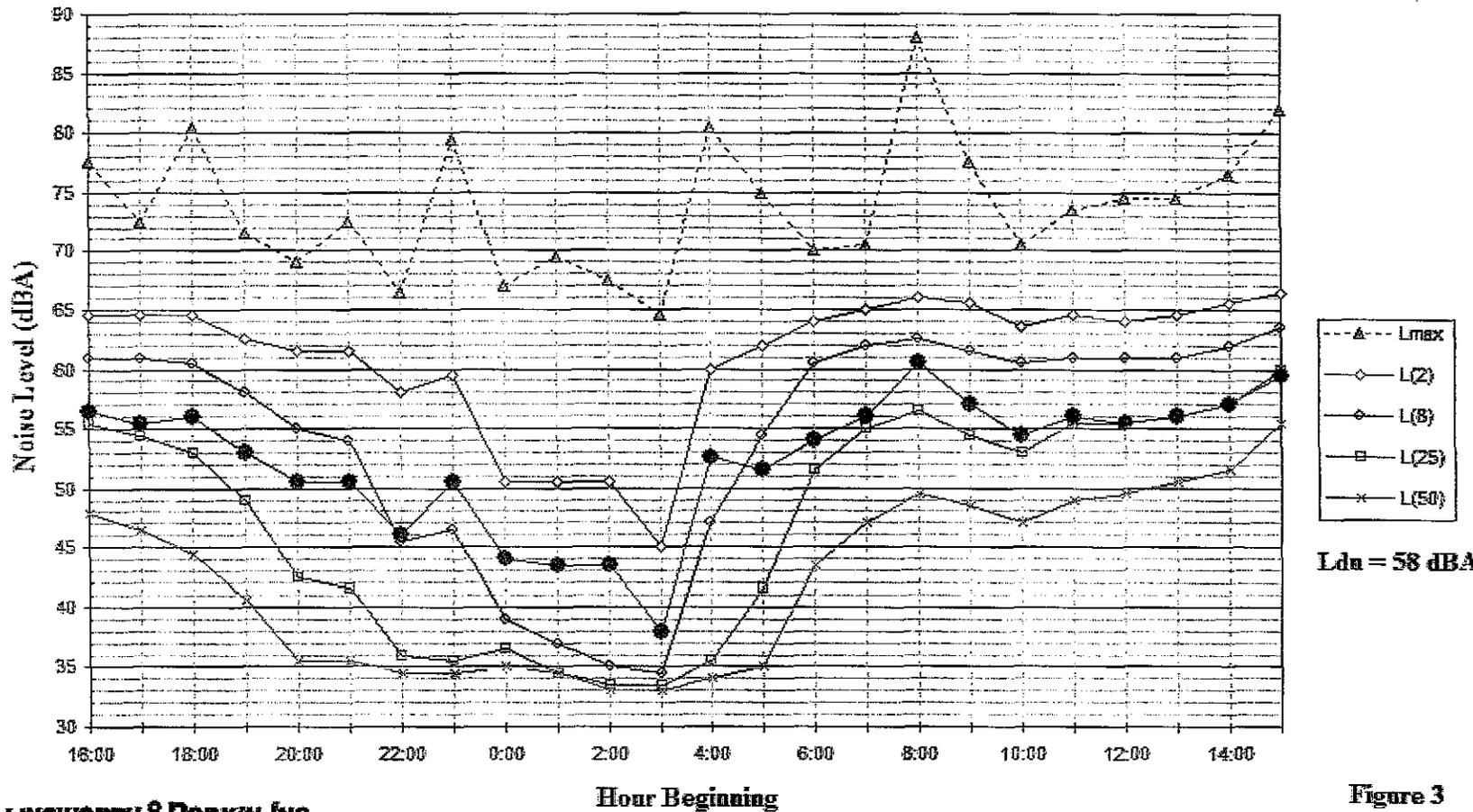


Figure 3

Noise Assessment

Estimating the expected noise produced by, and impacts from special events at adjacent noise sensitive uses requires three elements; the first is an assessment of what noise producing operations are likely to occur, the second is typical noise source levels for those operations, and the third is to determine the temporal nature of the operations.

To estimate the noise levels associated with special events, some attention must be given to the temporal nature of the noise produced. Based on a review of the site plan, outdoor events are expected to be held east of the tasting room and barrel room at the grass event area. Table 2 lists typical noise levels generated by small to moderate sized events at distances of 50 feet from the source.

TABLE 2: Typical Noise Source Levels for Special Events (A-Weighted L₅₀ Levels)

Event or Activity	Typical Noise Level @ 50 ft.
Amplified Music ¹	72 dBA
Amplified Speech	71 dBA
Non-amplified (acoustic) Music	67 dBA
Films – Voices/Music	64 dBA
Raised Conversation	64 dBA

¹ Amplified concert type music events are not proposed– such events would increase L₅₀ sound levels to 80 dBA @ 50 feet.

The final step in estimating the project noise levels is assessing the propagation of sound to the sensitive receptors. To do this, it is necessary to assume some rate of sound attenuation between the operations and receiver locations. The most dominant physical effect is due to the spreading out of sound waves with distance. For simple, single sources such as fixed equipment and stationary truck operations, the divergence of the sound wave is hemispherical in nature producing a reduction of 6 dB with each doubling of distance. For moving sources of noise, such as auto traffic or truck movements, which are considered linear sources of noise, the divergence of the sound wave is cylindrical in nature producing a reduction of 3 to 4 ½ dB with each doubling of distance. Other effects can modify these fall-off rates such as partial shielding from buildings or topography, atmospheric attenuation of sound, ground absorption, and meteorological effects. These effects almost always reduce the noise in addition to that due to sound divergence. As most of these effects will vary with time due to changing environmental conditions, it is most conservative to assume only attenuation due to divergence for outdoor activities and conservative (minimal) rate of structural attenuation (12 dBA) when operations are conducted within buildings, realizing that the actual noise level will be at or, most likely, below those predicted using this assumption at any one time.

To evaluate noise impacts on area noise sensitive uses, the closest residences to the site were located and noise levels were propagated to these residences as follows (see Figure 1):

Residence 1: This residence is located approximately 140 feet west of Dry Creek Road and north of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position LT-1.

Residence 2: This residence is located approximately 40 feet west of Dry Creek Road and south of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position ST-1. Noise levels are approximately 6 dBA higher at this receptor due to closer proximity to Dry Creek Road.

Ambient noise levels at these residences under worst case conditions were calculated using the sound level differences noted above and the measurement results shown on Figures 2 and 3, presented below in Table 3.

TABLE 3: Calculated Ambient Noise Levels at Adjacent Noise Sensitive Uses

Hourly Noise Metric	Exterior Ambient Noise Levels	
	Residence 1	Residence 2
	Ave. Daytime Level	Ave. Daytime Level
L ₅₀ (30 Min.)	46	52
L ₂₅ (15 Min.)	54	60
L ₀₈ (5 Min.)	60	66
L ₀₂ (1 Min.)	64	70

Impact Assessment

Special events planned at the winery include weddings (2 per year), agricultural promotional events (i.e., wine club member dinners - 12 per year), community service hosting events (2 per year), and industry wide events (8 per year). The winery is requesting a total of 4 events per year (weddings and community service hosting events) with an attendance of up to 100 people, 12 agricultural promotional events with an attendance of up to 80 people, and 8 industry wide events with a daily attendance of 300 people consisting of approximately 50 people per hour. All events will end by 10:00 pm.

A small amplified music system is proposed in the tasting room and would likely consist of computer speakers attached to a desktop computer. This amplified music system is intended to provide soft background music for the tasting room only. Such a small system, located within the tasting room, would not have sufficient power to produce noise levels outdoors that would exceed the County NE-2 standards at the nearest receptors. This amplified music system is not discussed further.

During the vast majority of special events planned at the winery, musicians would use acoustic instruments such as guitars or violins without any electronic amplification. A review of the project site plan indicates that outdoor events would be held on the grass event area or flagstone patio area west of the tasting room and barrel room. Special events would be fully shielded from the nearest residential uses to the north and east (Residences 1 and 2) by the intervening

buildings. A minimum 10 dBA of noise reduction would be expected due to the shielding provided by the buildings.

The special event area is a minimum distance of 200 feet from the nearest residential property line to the north and 320 feet from the nearest residential property line to the east. Assuming that non-amplified music would generate worst-case noise levels of approximately 67 dBA at a distance of 50 feet, noise levels are calculated to be 45 dBA at the nearest residential property line to the north when accounting for the acoustical shielding provided by the intervening building and the distance between the noise source and receiver. Noise levels resulting from non-amplified music would be approximately 41 dBA at the nearest residential property line to the east. Table 4 summarizes the assessment of outdoor special event noise resulting from non-amplified sources.

TABLE 4: Outdoor Special Event L₅₀ Noise Levels – Non-Amplified Sounds

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₅₀ (Noise Level Exceeded 30 Minutes in any Hour), dBA	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
NE-2 Adjustment for speech and music	-5	-5
Special Event L ₅₀ Noise Levels	Residence 1	Residence 2
Outdoor Non-amplified Music	45	41
Outdoor Raised Conversation	42	38
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Event Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	45	47
Non-amplified Music Exceeds Adjusted NE-2?	No	No
Raised Conversation Exceeds Adjusted NE-2?	No	No

Based on the findings above, noise generated by non-amplified music and raised conversations would meet the daytime noise limits at Residences 1 and 2.

Occasional private events (e.g., weddings, small parties, etc.) would have the option of using sound amplification equipment fitted with a limiter to prevent the volume from being turned up too high. Assuming that amplified music would generate worst-case noise levels of approximately 72 dBA at a distance of 50 feet, noise levels are calculated to be 50 dBA at the nearest residential property line to the north when accounting for the acoustical shielding provided by the intervening building and the distance between the noise source and receiver.

Noise levels resulting from amplified music would be approximately 46 dBA at the nearest residential property line to the east. Table 5 summarizes the assessment of outdoor special event noise resulting from non-amplified sources.

TABLE 5: Outdoor Special Event L₅₀ Noise Levels – Amplified Sounds

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₅₀ (Noise Level Exceeded 30 Minutes in any Hour), dBA	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
NE-2 Adjustment for speech and music	-5	-5
Special Event L ₅₀ Noise Levels	Residence 1	Residence 2
Outdoor Amplified Music	50	46
Outdoor Raised Conversation	42	38
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Event Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	45	47
Amplified Music Exceeds Adjusted NE-2?	Yes	No
Raised Conversation Exceeds Adjusted NE-2?	No	No

Based on the findings above, noise generated by amplified music or speech outdoors at the winery would exceed the adjusted daytime noise limit at Residence 1 by 5 dBA, but would exceed the adjusted daytime noise limit at Residence 2. Therefore, sound amplification equipment should be fitted with a limiter to prevent the sound level from exceeding 67 dBA at a distance of 50 feet. With the incorporation of the sound limiter, operational noise levels assuming amplified music or speech outdoors at the winery would not exceed the adjusted daytime noise limit at Residence 1 or Residence 2.

Noise generated by amplified music or speech indoors would be approximately 15 dBA less at Residences 1 and 2 assuming that windows and doors of the winery building are partially open for ventilation. Operational noise levels assuming amplified music or speech indoors at the winery would not exceed the adjusted daytime noise limit at Residence 1 or Residence 2 as predicted noise levels would be 35 dBA and 31 dBA L₅₀, respectively. No additional mitigation would be required to comply with the County NE-2 standards if amplified music or speech is only allowed indoors.



Mr. Kenneth Wilson
May 13, 2014
Revised October 9, 2014
Page 11

This concludes our assessment of special event noise resulting from the Hales Winery project. If you have any questions or comments, please do not hesitate to call.

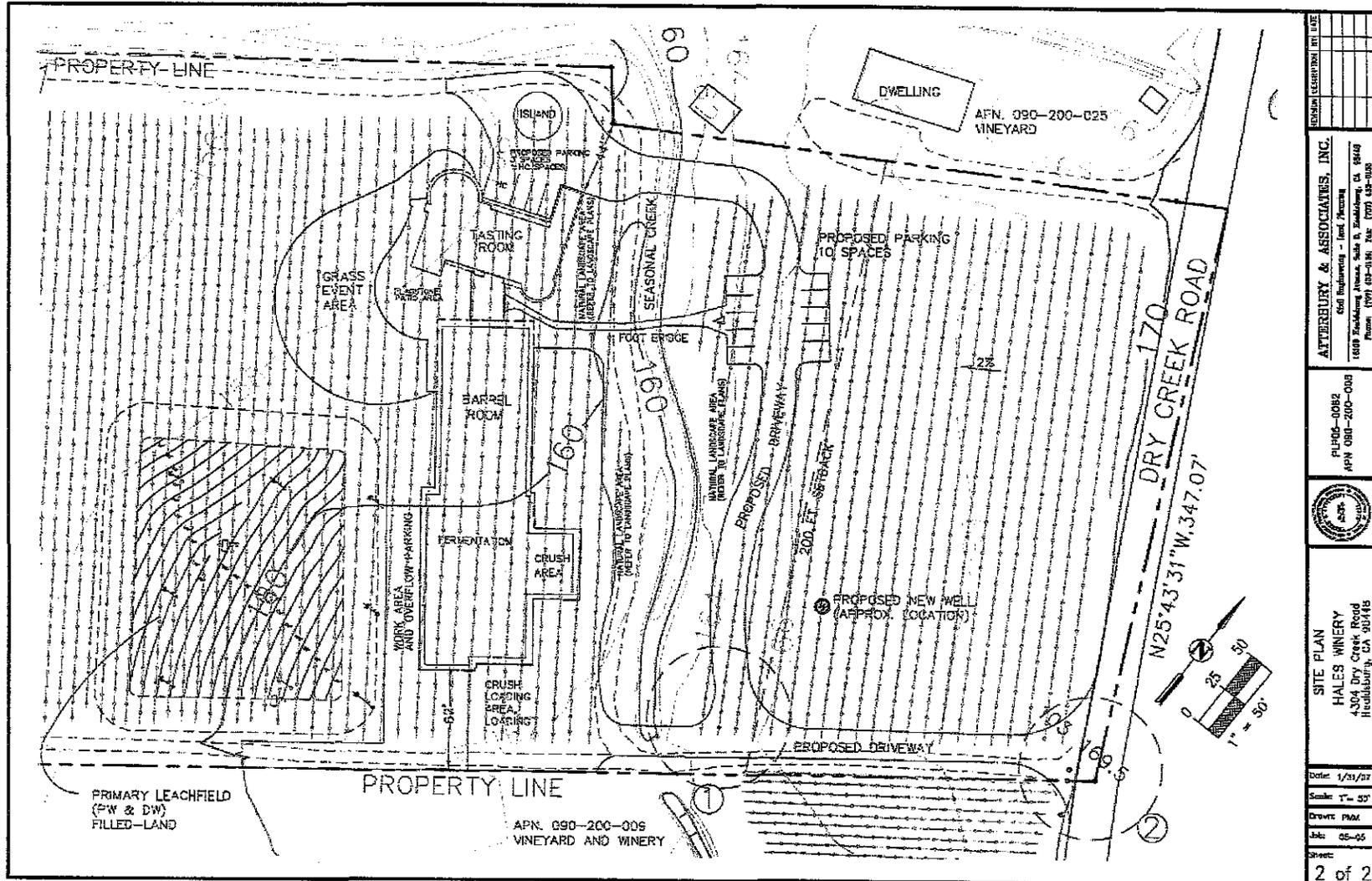
Sincerely,

A handwritten signature in cursive script, appearing to read "Michael S. Thill".

Michael S. Thill
Senior Consultant, Principal
ILLINGWORTH & RODKIN, INC.

(06-068)

Figure 4 Site Plan



<p>ATTORNEY & ASSOCIATES, INC. Civil Engineering - Land Planning 1809 Zandbergen Avenue, Suite B, Redlands, CA 91149 Phone: (909) 418-0181 Fax: (909) 418-0185</p>	<p>CU004-0083 APN 090-200-006</p>		<p>SITE PLAN HALES WINERY 4304 Dry Creek Road Redlands, CA 91149</p>	<p>Date: 1/31/07 Scale: 1" = 30' Drawn: PAM Sht: 05-05 Sheet: 2 of 2</p>
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ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

1 Willowbrook Court, Suite 120
Petaluma, California 94954

Tel: 707-794-0400
www.illingworthrodkin.com

Fax: 707-794-0405
illro@illingworthrodkin.com

May 13, 2014

Mr. Kenneth Wilson
438 Matheson Street
Healdsburg, CA 95448

VIA E-Mail: ken@wilsonwinery.com

**SUBJECT: Hales Winery, Sonoma County, CA
Special Events Noise Assessment**

Dear Ken:

This letter presents the results of our analysis of potential noise impacts resulting from special events at Hales Winery proposed at 4304 Dry Creek Road in Sonoma County. We understand that the 25,000 case winery project was previously approved, and that the County has requested an updated sound study to address amplified music during proposed special events. We also understand that amplified speech or music is no longer proposed as part of special events.

This assessment includes a summary of applicable regulatory criteria established in the Sonoma County General Plan, a summary of ambient noise data, and projections of noise levels calculated at nearby sensitive receivers during special events. Where noise levels are predicted to exceed applicable regulatory criteria, mitigation is proposed.

Regulatory Criteria

Goals, objectives, and policies, designed to protect noise-sensitive uses from exposure to excessive noise, are set forth in the Noise Element of the Sonoma County General Plan 2020. The following objectives and policies are applicable in the assessment of the proposed project:

- Objective NE-1.2:** Develop and implement measures to avoid exposure of people to excessive noise levels.
- Objective NE-1.3:** Protect the present noise environment and prevent intrusion of new noise sources which would substantially alter the noise environment.

Policy NE-1a: Designate areas within Sonoma County as noise impacted if they are exposed to existing or projected exterior noise levels exceeding 60 dB L_{dn}, 60 dB CNEL, or the performance standards of Table NE-2 (Table 1 of this report).

Policy NE-1c: Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 (Table 3) of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use. Limit exceptions to the following:

(1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.

(2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.

(3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.

(4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.

(5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:

(a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and

(b) There is available open land on these noise sensitive lands for noise attenuation. This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

TABLE 1 Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)

Hourly Noise Metric ¹ , dBA	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
L ₅₀ (30 minutes in any hour)	50	45
L ₂₅ (15 minutes in any hour)	55	50
L ₀₈ (5 minutes in any hour)	60	55
L ₀₂ (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

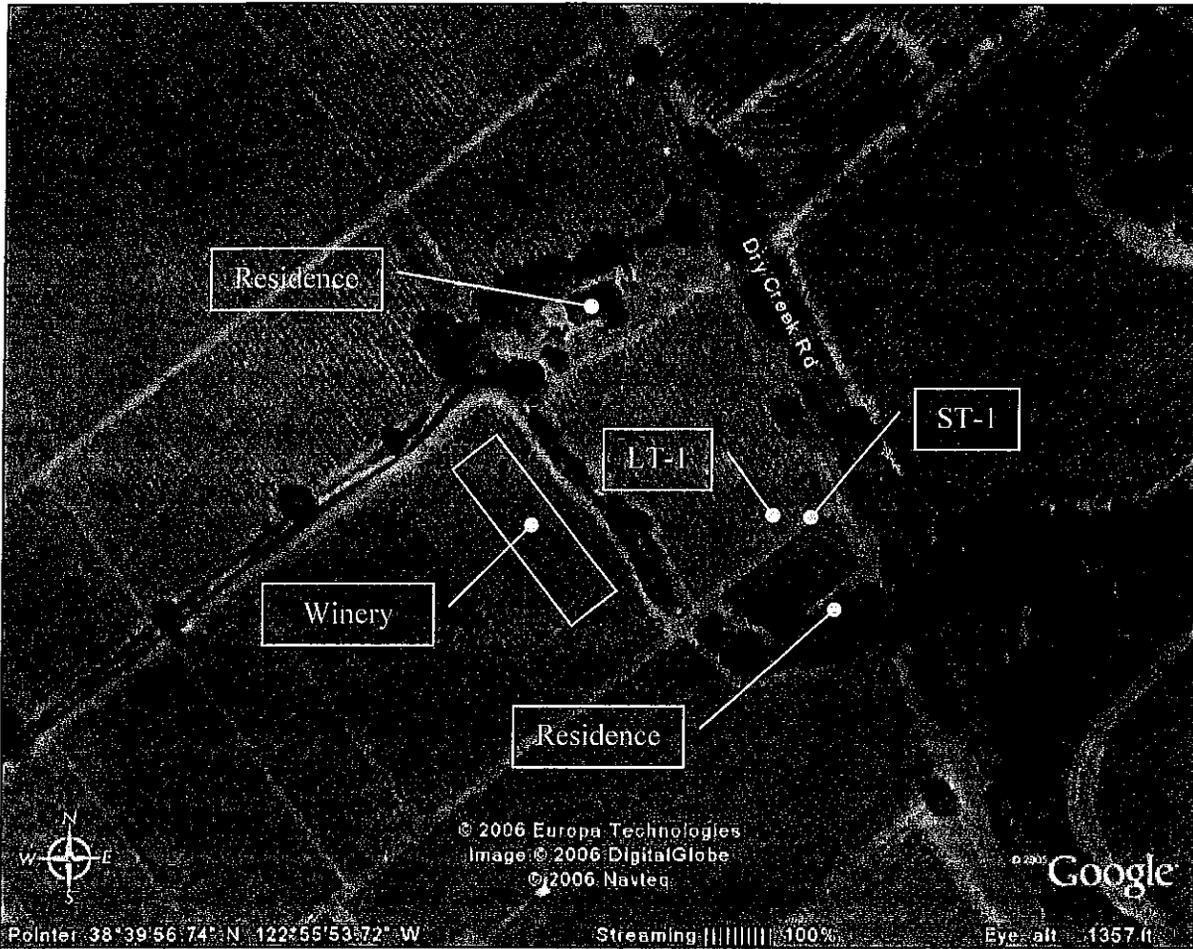
Noise Monitoring Survey

Illingworth & Rodkin, Inc. quantified ambient noise levels and identified sources of ambient noise at sensitive receivers to the north and east of the proposed winery. The approximate positions of the noise measurement locations are shown on Figure 1. A long-term noise measurement and a short-term noise measurement were made at representative locations to document existing noise levels at the nearest residential receivers.

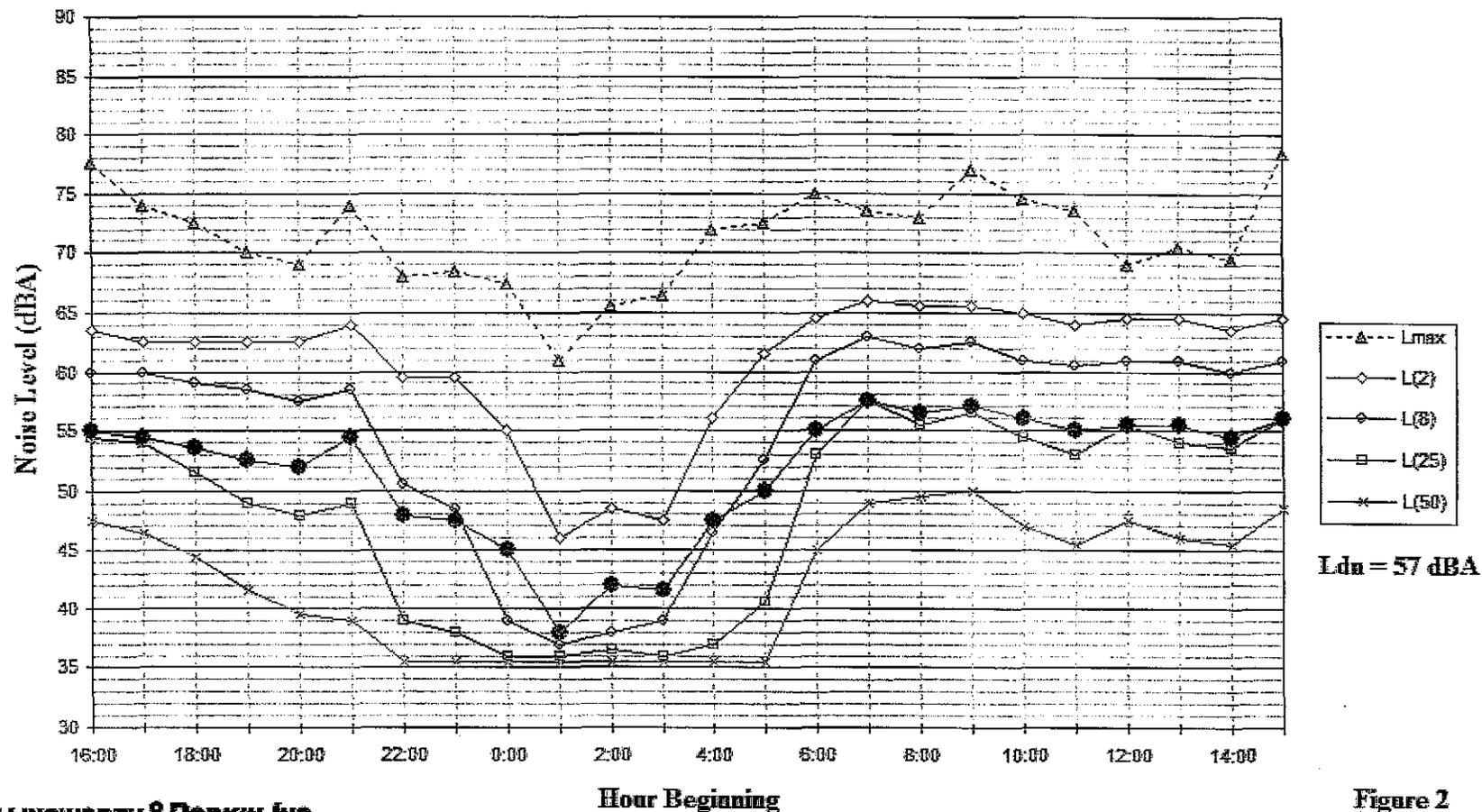
Long-term noise measurement location LT-1 was approximately 135 feet from the center of Dry Creek Road at the approximate setback of a residence north of the site. Noise levels were measured beginning on the afternoon of April 5, 2006 and concluding on the afternoon of April 7, 2006. Figures 2 and 3 show the daily distribution of noise levels gathered at LT-1. The day-night average noise level at LT-1 ranged from 57 to 58 dBA L_{dn}.

A short-term noise measurement was made at one additional location. The short-term measurement location was selected to represent the noise environment at the nearest residential land use to the east. The sound level meter was located approximately 87 feet from the center of Dry Creek Road to quantify noise levels closer to the roadway. The average noise level measured from 4:00 pm to 4:15 pm on April 5, 2006 was 60 dBA. The estimated L_{dn} noise level at this position is 63 to 64 dBA.

Figure 1 Aerial Photo Showing Noise Monitoring Positions



Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 5 - 6, 2006



Ldn = 57 dBA

Figure 2

Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 6 - 7, 2006

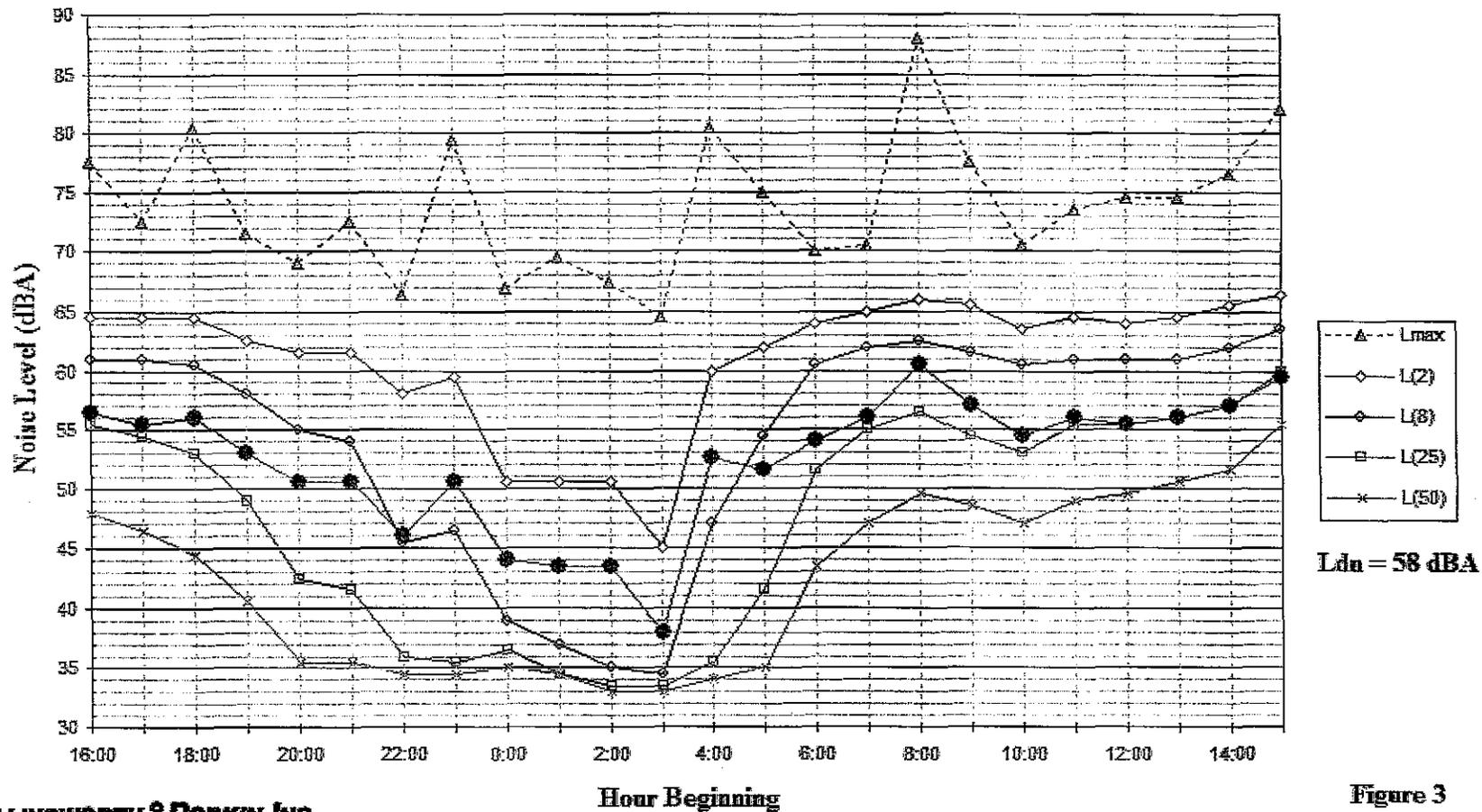


Figure 3

Noise Assessment

Estimating the expected noise produced by, and impacts from special events at adjacent noise sensitive uses requires three elements; the first is an assessment of what noise producing operations are likely to occur, the second is typical noise source levels for those operations, and the third is to determine the temporal nature of the operations.

To estimate the noise levels associated with special events, some attention must be given to the temporal nature of the noise produced. Based on a review of the site plan, outdoor events are expected to be held east of the tasting room and barrel room at the grass event area. Table 2 lists typical noise levels generated by small to moderate sized events at distances of 50 feet from the source.

TABLE 2: Typical Noise Source Levels for Special Events (A-Weighted L₅₀ Levels)

Event or Activity	Typical Noise Level @ 50 ft.
Amplified Music ¹	72 dBA
Amplified Speech	71 dBA
Non-amplified (acoustic) Music	67 dBA
Films – Voices/Music	64 dBA
Raised Conversation	64 dBA

¹ Amplified concert type music events are not proposed– such events would increase L₅₀ sound levels to 80 dBA @ 50 feet.

The final step in estimating the project noise levels is assessing the propagation of sound to the sensitive receptors. To do this, it is necessary to assume some rate of sound attenuation between the operations and receiver locations. The most dominant physical effect is due to the spreading out of sound waves with distance. For simple, single sources such as fixed equipment and stationary truck operations, the divergence of the sound wave is hemispherical in nature producing a reduction of 6 dB with each doubling of distance. For moving sources of noise, such as auto traffic or truck movements, which are considered linear sources of noise, the divergence of the sound wave is cylindrical in nature producing a reduction of 3 to 4 ½ dB with each doubling of distance. Other effects can modify these fall-off rates such as partial shielding from buildings or topography, atmospheric attenuation of sound, ground absorption, and meteorological effects. These effects almost always reduce the noise in addition to that due to sound divergence. As most of these effects will vary with time due to changing environmental conditions, it is most conservative to assume only attenuation due to divergence for outdoor activities and conservative (minimal) rate of structural attenuation (12 dBA) when operations are conducted within buildings, realizing that the actual noise level will be at or, most likely, below those predicted using this assumption at any one time.

To evaluate noise impacts on area noise sensitive uses, the closest residences to the site were located and noise levels were propagated to these residences as follows (see Figure 1):

Residence 1: This residence is located approximately 140 feet west of Dry Creek Road and north of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position LT-1.

Residence 2: This residence is located approximately 40 feet west of Dry Creek Road and south of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position ST-1. Noise levels are approximately 6 dBA higher at this receptor due to closer proximity to Dry Creek Road.

Ambient noise levels at these residences under worst case conditions were calculated using the sound level differences noted above and the measurement results shown on Figures 2 and 3, presented below in Table 3.

TABLE 3: Calculated Ambient Noise Levels at Adjacent Noise Sensitive Uses

Hourly Noise Metric	Exterior Ambient Noise Levels	
	Residence 1	Residence 2
	Ave. Daytime Level	Ave. Daytime Level
L ₅₀ (30 Min.)	46	52
L ₂₅ (15 Min.)	54	60
L ₀₈ (5 Min.)	60	66
L ₀₂ (1 Min.)	64	70

Impact Assessment

Special events planned at the winery include weddings (2 per year), wine club member dinners (14 per year), community service hosting events (1 to 2 per year), and industry wide events (6 per year). The winery is requesting a total of 8 events per year (weddings and industry wide events) with an attendance of up to 100 people, and 15 to 16 events with an attendance of up to 80 people. No amplification of speech or music would occur.

A review of the project site plan indicates that outdoor events would be held on the grass event area or flagstone patio area west of the tasting room and barrel room. Special events would be fully shielded from the nearest residential uses to the north and east (Residences 1 and 2) by the intervening buildings. A minimum 10 dBA of noise reduction would be expected due to the shielding provided by the buildings.

The special event area is a minimum distance of 200 feet from the nearest residential property line to the north and 320 feet from the nearest residential property line to the east. Non-amplified music at a wedding would generate worst-case noise levels of approximately 67 dBA at a distance of 50 feet. At the nearest residential property line to the north, noise levels are calculated to be 45 dBA assuming the shielding provided by the intervening building and the distance between the noise source and receiver. Noise levels would be approximately 41 dBA at the nearest residential property line to the east. Table 4 summarizes the assessment of outdoor special event noise.

TABLE 4: Outdoor Special Event L₅₀ Noise Levels

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₅₀ (Noise Level Exceeded 30 Minutes in any Hour), dBA	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
NE-2 Adjustment for speech and music	-5	-5
Unadjusted Table NE-2 Nighttime Limit	45	45
Nighttime Ambient Noise Levels	36	42
Nighttime Ambient Exceeds NE-2 Limit?	No	No
Nighttime NE-2 Ambient Adjustment	+0	+0
NE-2 Adjustment for speech and music	-5	-5
Special Event L ₅₀ Noise Levels	Residence 1	Residence 2
Outdoor Non-amplified Music	45	41
Outdoor Raised Conversation	42	38
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Event Noises Exceed Ambient by 10 dBA?	No(day) Yes(night)	No(day) No(night)
NE-2 Adjustment	+0(day) -5(night)	+0(day) +0(night)
Adjusted Table NE-2 Daytime Limit	45	47
Adjusted Table NE-2 Nighttime Limit	35	40
Non-amplified Music Exceeds Adjusted NE-2?	No (day) Yes (night)	No (day) Yes (night)
Raised Conversation Exceeds Adjusted NE-2?	No (day) Yes (night)	No (day) No (night)

Mitigation:

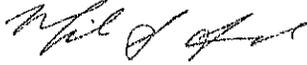
Based on the findings above, noise generated by non-amplified music and raised conversations would meet the daytime noise limits at Residences 1 and 2. Because event noise has the potential to result in an exceedance of the County NE-2 standards at night, all outdoor events extending past 10 pm should be moved indoors. The relocation of events indoors would provide about 15 dBA of noise reduction, assuming that windows are partially open for ventilation, resulting in operational noise levels below the ambient nighttime noise levels at Residences 1 and 2. No additional mitigation would be required to comply with the County NE-2 standards.



Mr. Kenneth Wilson
May 13, 2014
Page 10

This concludes our assessment of special event noise resulting from the Hales Winery project. If you have any questions or comments, please do not hesitate to call.

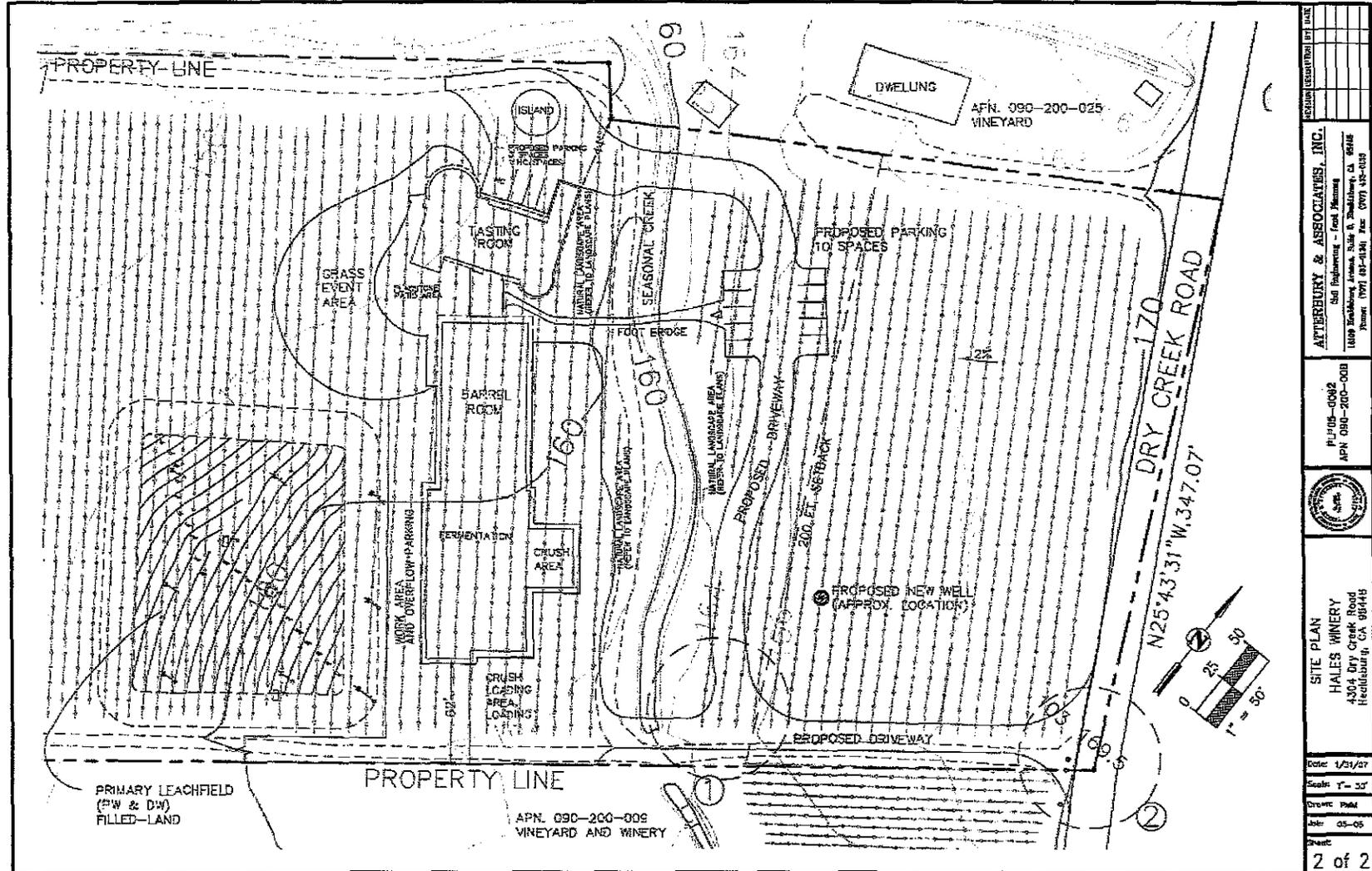
Sincerely,

A handwritten signature in cursive script, appearing to read "Michael S. Thill".

Michael S. Thill
Senior Consultant, Principal
ILLINGWORTH & RODKIN, INC.

(06-068)

Figure 4 Site Plan



SECTION (REVISION) BY DATE _____ _____ _____
AFTERBURY & ASSOCIATES, INC. Civil Engineering - Food Planning 1809 Rockaway Avenue, Suite B, Southbury, CA 92448 Phone: (951) 881-0181 Fax: (951) 435-0333
P/L 05-0042 APN 090-200-008
SITE PLAN HALES WINERY 4304 Dry Creek Road Healdsburg, CA 94948
Date: 1/21/07 Scale: 1" = 30' Drawn: PMA Job: 05-05 Sheet:
2 of 2

Resolution Number

County of Sonoma
Santa Rosa, California

February 19, 2015
PLP05-0062 Traci Tesconi

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
REVISED MITIGATED NEGATIVE DECLARATION AND
GRANTING A USE PERMIT AND DESIGN REVIEW TO
KENNETH AND DIANE WILSON, FOR PROPERTY LOCATED
AT 4304 DRY CREEK ROAD, HEALDSBURG; APN 090-200-008.

WHEREAS, the applicant, Kenneth and Diane Wilson, filed an application with the Sonoma County Permit and Resource Management Department to reactivate a previously approved Use Permit and Design Review under the Economic Stimulus Ordinance (Ordinance No. 5929) for an approximate 17,000 square feet winery and public tasting room building and conversion of an existing 3,200 square foot barn to barrel storage with a 25,000 case maximum annual production capacity to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two charitable benefit dinners with 100 guests, and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests on 40 acres. The project site is under a Prime Land Conservation Contract (Williamson Act Contract), and located at 4304 Dry Creek Road, Healdsburg; APN 090-200-008; Address 4304 Dry Creek Road, Healdsburg; Zoned LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, a Revised Mitigated Negative Declaration was prepared for the Project and noticed for 30 days and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA") and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Board of Zoning Adjustments held a public hearing on February 19, 2015, at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Revised Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Revised Mitigated Negative Declaration and the Project; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan objectives to facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories (Objective AR 5.1). Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a Use Permit in the LIA zoning district. The project is consistent with General Plan Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. Tasting rooms, agricultural promotional events, and industry-wide events promote a winery and the wines produced on the site, educate visitors to the winery on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with Policies AR-6d, AR -1a, AR-4a, and AR-6a.

2. The primary potential land use conflicts associated with the proposed use for agricultural promotional events is exterior lighting, traffic, and noise and conditions have been incorporated into the project to reduce potential impacts to a less than significant level. Similar to findings made on recently approved projects, adding more winery and tasting room along Dry Creek Road does not result in an overconcentration because the project generated traffic will not result in road access conflicts and would not exceed the level of service for Dry Creek Road. And, unlike other rural roads in agriculturally-zoned areas, Dry Creek Road is a wide, well-maintained County roadway. In addition, the project site is located in a Zone 1 water area and the building design is in character with the rural area. Here, the project is being considered under the Economic Stimulus Ordinance No. 5929 because the project was previously approved in 2007, with an extended approval in 2009, and since then only one winery and tasting room (UPE11-0088- Rued) has been approved in the immediate area on Dry Creek Road. The Zoning Ordinance does not limit the number of agricultural promotional events allowed on agricultural zoned parcels. The average number of approved events at wineries in Sonoma County is 20. The total number of agricultural events proposed at this winery site is below the County-wide average and below that of a recently approved winery (UPE11-0088 – Rued) in the immediate area also located on Dry Creek Road.
3. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows the following under Section 26-040-020 (i) of the Zoning Ordinance with a Use Permit approval: tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries, which are a marketing tool that promotes wines produced at the winery. Project conditions of approval prohibit the winery facility from being rented out to any third-party contracts.
4. The project is consistent with the Williamson Act because: 1) the project will be supportive of agricultural use on site and in the local area due to the processing facility's enhanced capabilities which would process more grapes than is currently possible; 2) the project would not affect the agricultural use on adjacent properties; 3) the property will continue to be devoted to agricultural use because well over fifty percent of the property is planted in vines; 4) all other uses, including the winery, barrel storage, tasting room, associated parking, landscaping and outdoor activity area, are compatible with the agricultural use of the property and are consistent with the Williamson Act's principles of compatibility and the County's Uniform Rules for Agricultural Preserves, and will collectively occupy no more than 5 acres to ensure that they remain incidental to the primary use of the land for agriculture; 5) displacement of vines will be limited to 1.5 acres, and 0.64 acres of vines will be replanted on site, resulting in less than one acre of vines removed, ensuring a less than significant net loss of usable agricultural area ; 6) operation of a tasting room with two weddings and other agricultural promotional events is consistent with the Williamson Act because they are marketing tools to help sell wine produced on-site and ensure the long term viability of the vineyard and winery; 7) no permanent structures solely devoted to wedding or other agricultural promotional event activities will be constructed on the site, no special event will last more than two consecutive days, and overnight accommodations will not be provided in conjunction with any special event; and 8) the two weddings, two charitable benefit dinners, and twelve agricultural promotional events are annually limited in number, duration, and scope to ensure that any increase in the temporary human population drawn to the site will not hinder or impair agricultural operations.
5. Based upon the whole record (including the Initial Study and all comments received) there is no substantial evidence that the Project will have a significant environmental effect. Changes or alterations have been required in, or incorporated into, the Project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the Project. These changes or alterations have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

- a. The establishment, maintenance or operation of the use for which 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 neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: exterior lighting must be low mounted, downward casting and fully shielded to prevent glare, lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated, Dry Creek Road is adequate to support the use; the project will not compromise agricultural capability because the proposed use is related to agriculture, mitigations have been incorporated into the project to ensure that noise from construction, winery, and event activities meet the Daytime Noise limit standards established in the General Plan, with limited hours of event activities, and the conditions placed on the project to control noise. Other project related circumstances include that the project will not create a detrimental concentration of visitor-serving and recreational uses because project generated traffic will not result in road access conflicts and would not exceed the level of service, the project site is in an Area 1 water area, the use will be minimal and not detrimental, and the project meets the Scenic Landscape designation criteria, the winery building is located outside the 200-foot Scenic Corridor setback, and the building design will not be detrimental to the rural character of the area.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Revised Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the Revised Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County Guidelines, and finds that the Revised Mitigated Negative Declaration reflects the independent judgment of the Board.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

- Commissioner
- Commissioner
- Commissioner
- Commissioner
- Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

duplicate letter

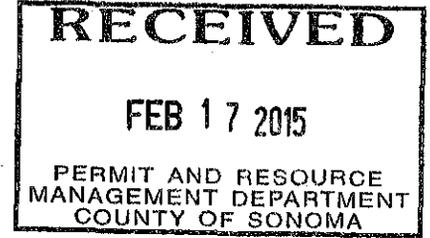
Traci Tesconi

February 10, 2015

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

Re: File No. PLP05-0062 at 4304 Dry Creek Road



Traci,

I am opposed to application PLP05-0062 in its current form for the following reasons:

1. Until Sonoma County has established clear guidelines for wineries intending to be events facilities, the Sonoma County Board of Zoning Adjustments (BZA) should postpone ruling on all permits from wineries requesting events. Over the past 6 months, several members of the Board of Supervisors, including James Gore, who represents the 4th district, have stated the need for the County to distinguish wineries from events facilities.

Perhaps the Board of Supervisors can use the Trentadue Winery or Coppola Winery as examples of appropriate events facilities. Both wineries are situated well off the main roads serving them, with paved roads and large parking areas located next to the facilities.

2. The applicant's projected numbers for industry and promotional events are understated. Over the past 10 years, when Unti Vineyards has participated in Barrel Tasting Weekend and Passport Weekend, we have had 1,500 to 2,000 people each day. Most of those visitors were on the property between 1:00 pm and 4:00 pm, which translates to 350 per hour. Hale Winery Event table shows a total of only 300 visitors per day and 50 per hour, which is an unrealistic projection.

The Applicant lists Agricultural Promotional Events (wine club dinners) consisting of 80 guests per event. Our experience hosting our mailing list for new releases shows a minimum of 300 to 400 guests per event.

3. Existing Plan for Parking is vastly inadequate. Application lists 14 parking spaces near the tasting room, and "overflow parking" for events provided around building and existing vineyard roads. The number of guests attending the applicant's industry and "wine club" events will be 200 to 300 per hour, which would require parking for over 100 vehicles. The existing vineyard roads next to the proposed the Hale winery are **shared** with Unti. Parking on these roads puts Unti at risk for increased liability.

Overflow parking on dirt vineyard roads or within rows of the vines is not practical. The proposed location for the Hale Winery is only 300 feet from Dry Creek Road. As such, many guests of these events will be parking along Dry Creek Road, as they currently do during events at Wilson Winery. Parking on this section of Dry Creek Road is not at all safe for traffic or pedestrians.

As an owner of a winery in the Dry Creek Valley, I welcome other wine producers in the area. However, the current Hale Winery application is aimed at hosting events without appropriately establishing an adequate infrastructure for such events.

Mick Unti
Owner
Unti Vineyards Winery



February 5, 2016

Mr. Ken Wilson
428 Matheson Street
Healdsburg, CA 95448

Response to Comments on the *Traffic Impact Study for the Hale Vineyard Winery*

Dear Mr. Wilson;

As requested, W-Trans has reviewed the comment letters provided to County staff since this project was presented to the Board of Zoning Adjustments on February 19, 2015. Various issues relative to traffic that were raised in the letters are indicated in *italics* followed by our response.

Appeal to the Board of Supervisors from Andrew L. Dieden, April 27, 2015

The traffic analysis conducted by W-Trans is predicated on "counts collected by the county on August 25, 2011." As detailed in the Revised Mitigation Negative Declaration, many new wineries have been approved in the three years since the County collected data.

Counts performed by the County from noon on Monday, August 11 through noon on Wednesday, August 13, 2014 indicate that volumes have not changed substantially from counts taken from midday on Wednesday, August 24 through noon on Friday, August 26, 2011. In fact, the averages for both directions over the two days counted were higher in 2011 than 2014 for both the daily volume and the p.m. peak hour volume (note that Friday was not included in either sample for the p.m. peak hour). The volumes used for the analysis are therefore still valid.

Even based on 2011 counts, the collision rate for that stretch of roads exceeds the statewide average.

While the collision rate is greater than the average rate, this does not, in and of itself, indicate that there is a safety problem. The collisions were of several different types, with no more than two of any one type (sideswipe, hit object, rear end). As noted in the study, given the lack of any type of pattern between the crashes as well as the limited amount by which the average was exceeded, this review does not indicate a safety concern.

Also, the winery staff and truck traffic is vastly underestimated. For instance, the report assumes that just six employees will be required to serve the 100-person events. It'll likely take six employees just to park cars. A reasonable estimate is an average of 65 additional car trips on Dry Creek Road, per day.

While there may be more staff for the events than assumed, in terms of the traffic impacts it does not affect the findings. Staff was conservatively included in the trip count for the peak hour when, in fact, these trips occur during different hours than the trips for attendees. The staff arrives earlier and departs later than the guests, so from an impact perspective, the number of staff is not relevant as it is lower than the number of visitors traveling during the peak hour for the event. Further, once averaged out over the year for purposes of estimating the project's average daily trips (ADT), the trips associated with additional staff would be unlikely to change the ADT by as much as even one trip per day on average, and as such an increase in the number of employees would not change the results of the analysis.

EXHIBIT F

Moreover, Dry Creek Road also serves Lake Sonoma boat traffic, so increased braking times should be considered in any traffic analysis.

Braking times are relevant to stopping sight distance, which was conservatively evaluated for the project based on industry standards applicable to highways, facilities that serve substantial volumes of truck traffic. Braking times on a local arterial would not be anticipated to be greater than on a highway serving truck traffic. Therefore, the standards applied are appropriate for this analysis.

The report also fails to account for bicycle traffic, which tends to be especially heavy at the same times the proposed events will be conducted. The proposed entry location is on a curve of 30-foot wide, 50 mph highway with no shoulder. The location is already a traffic hazard. To approve the proposed project would expose the County to a multitude of colorable legal causes of action filed by injured citizens.

The potential impacts to bicycle traffic are addressed on Page 9 of the traffic study. As noted, it is recommended that the project include dedication of right-of-way along the frontage as necessary to accommodate a future bike lane. It is further recommended that, as part of the project and to be consistent with requirements for other developments in the area, frontage improvements should be constructed to provide an eight-foot shoulder across from the site frontage. This would accommodate bicyclists until such time as the County is able to provide a bike lane along the entire route.

Letter to the Board of Supervisors from Mick Unti, October 12, 2015

The applicant's estimate and the W-Trans traffic study are not accurate, particularly regarding the amount of traffic during the 8 Industry Events. Virtually all 8 of the local wine industry events have seen a dramatic increase in traffic over the past 15 years. It is quite normal to have 300 visitors per hour during one of these events, which would result in 1,800 to 2,500 visitors per day. The applicant's projection of 300 guests per day grossly understates the number of actual visitors during these events.

The popularity of industry-wide events continue to draw increasing numbers of guests, and this trend can reasonably be expected to continue regardless of whether there are any additional wineries constructed in the area or not. These visitors will be in the Valley tasting wine and enjoying the event without or with the project, so the only difference the project makes is that it will generate a small number of staff trips and it will allow the event traffic to be spread out to one more site than would otherwise be available. The impact on traffic area-wide is therefore improved, regardless of the number of visitors that visit any individual site.

The W-Trans study appears to be conducted between Monday August 11, 2014 and Wednesday August 13, 2014. This time frame is well below the weekend and industry event traffic times.

County staff has determined that August is the peak month for activity as it captures both harvest and summertime activity at Lake Sonoma. Counts were performed for the weekday only which reflects the highest volumes of the week under normal conditions, though volumes would be higher on Saturdays during the summer months. Because traffic studies address typical conditions, the volumes used follow industry standards for traffic analysis and are a reasonable representation.

Bicycle traffic in Dry Creek Valley has increased exponentially over the past ten years. The County uses understated traffic numbers from the applicant and W-Trans as a reason to say nothing needs to be done in front of Hale Winery Entrance. Traffic during Industry events alone causes bicycle safety hazard across the Hale winery entrance. Having 16 more events during the year will only exacerbate an unsafe condition for cyclists.

As noted in the response to the Appeal by Andrew L. Dieden, above, the impact on bicycle traffic would not be significant under any standards adopted by the County.

Letter to Board of Supervisors from Andrew L. Dieden, November 9, 2015

Collision History

The evidence shows the Hale site is already a traffic hazard, 25% more dangerous than similar statewide highways, even without the proposed project. Based on W-Trans' Segments Collision Rate Calculations, the project site collision rate of 1.24 c/mvm is 25% higher than the statewide average of 0.93 c/mvm for similar highway facilities.

The project site is also becoming significantly more dangerous while similar statewide highways are becoming significantly less dangerous. The 2008-2013 project site collision rate of 1.24 c/mvm is 11% higher than the project site collision rate of 1.10 c/mvm from 2006-2011, just two years earlier. In contrast, the 2008-2013 statewide average collision rate of 0.93 c/mvm for similar highway facilities is 13% lower than the 1.07 c/mvm from 2006-2011.

The collision rates provided are not for the project site, as indicated in the comment; rather, they are for the segment of Dry Creek Road within one-half mile on either side of the site's driveway. None of the reported collisions occurred at the site's driveway.

As noted in the response to Mr. Dieden's Appeal Letter, the fact that a collision rate is higher than average is not necessarily significant. The purpose of calculating these rates is to determine if a facility has experienced more collisions than occur, on average, and if this is the case, it is a litmus test indicating that the records should be further examined. There is no significance in the rates themselves; the subsequent review of the history of collisions is actually a safety assessment. The limited number of crashes reported over the various five-year periods reviewed (six to seven total in five years) indicate that there is not a specific location or safety issue relative to operation of Dry Creek Road.

Sight Distance

The W-Trans sight line reports are internally inconsistent and therefore, unreliable. First, on October 28, 2014 W-Trans represented, "From the location of the existing driveways the sight distance to the south is more than 600 feet, while 500 feet is available to the north". Then three months later on February 5, 2015 realizing that sight distance of over 500 feet is required to the north W-Trans changed its stated northerly sight distance from "500" feet to "800-plus" feet, a 60% increase.

Upon receiving a more detailed site plan, it was realized that the sight distance measurements obtained in 2013 were not at the currently proposed driveway location. New measurements were obtained at the current driveway location and these distances are correctly reflected in the most recent analysis.

Traffic Counts- Level of Service (LOS)

The traffic increase caused by the proposed project will decrease Dry Creek Road's Level of Service (LOS) far below LOS C. There are already 16 wineries on Dry Creek Road, located within one mile of the project site.

According to W-Trans, "A sensitivity analysis indicated that up to 250 trips could be added to Dry Creek Road in each direction without exceeding the County's LOS C standard." The same study forecasts the cumulative effect from just five wineries starting or ending an event during the same hour at 250 per direction, or 50 trips per winery.

Therefore, just six or more wineries to start or end an event during the same hour, Dry Creek Road traffic exceeds 250 trips and the LOS drops below Level C, unacceptable per the Sonoma County Circulation and Transit Element's objectives.

The Negative Declaration provides a Winery Table that identifies nine wineries located near the project site, each with event permits. 50 vehicle from each of the nine permitted wineries - 450 trips- almost doubles W-Trans' stated maximum acceptable number of 250.

The only conclusion to be drawn from the evidence is that the proposed project will repeatedly cause Dry Creek's LOS to fall far below Level C.

As noted in the analysis, in order for events to have a cumulative impact on traffic operation, they must all draw their traffic during the **exact** same hour. Recent permits have restricted wineries to a limited number of events, such that it is highly unlikely to expect that all of the new wineries would have an event on the same day, and it is even less reasonable to expect that they would all start and/or end at the exact same time. Further, even if this occurred several times per year that would still not be significant as the standards against which impacts are measured are based on events that occur somewhat more routinely, with anything that occurs for less than 30 hours per (which is considered by Caltrans as their design hour). Because there is sufficient capacity for numerous wineries to hold events simultaneously, it appears reasonable to anticipate that the cumulative impact of events would continue to be less-than-significant.

Alternative Modes

The proposed project also poses imminent danger to the health and welfare of bicyclists. Contrary to Staff's representation that Dry Creek Road has "wide shoulders" used by cyclists as bike lanes, the images Appellant sent to the Board of Supervisors on October 12, 2015 prove that there are no shoulders whatsoever on either side of Dry Creek Road at the project site.

This comment was addressed in the response to the Appeal. While shoulders are currently lacking, this condition is typical along rural routes used by cyclists and presents no more of a danger as a result of the project than exist under current conditions. It is further noted that the project will be conditioned to provide a wider shoulder on the opposite side of Dry Creek Road, improving conditions for cyclists.

The Negative Declaration is entirely devoid of any bicycle safety analysis. Rather, it summarily dispenses such responsibility by stating, "The project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel."

The project site is presently shoulder-free bottleneck where bicyclists share traffic lanes with cars and it fails to address the mandate of California Vehicle Code 21760 ©, requiring that all vehicles passing a bicycle process in the same direction leave a distance of at least three feet between any part of the motor vehicle and any part of the bicycle. As circumstances now exist near the project site, vehicles either violate VC 21760, or they cross the center divide to accommodate bicyclists.

Proposed mitigation measure 52(a), calling for a northbound shoulder of 8' x 100', will not protect bicyclists from the significant effects of this project. The 100' addition is to be centered on the project driveway, meaning, at most, 50' of any addition, only three vehicle-lengths maximum, will precede the project site. Vehicles are likely to use the addition as a passing lane and 46 cars in a given hour means many more than three cars will be backed-up at the subject driveway in both directions. Moreover, again, every Hale-destined vehicle will cross the southbound bicycle right-of-way, twice.

The conditions described currently exist at every driveway along Dry Creek Road, so collision records for the most recent ten-year period available were reviewed for bicyclist-involved crashes. Between March 1, 2006, and February 28, 2015, there were six crashes that involved cyclists. Note that this is six crashes in ten years along more than ten miles of roadway. In all six cases, the cyclist was injured, though there were no fatalities. Of these six crashes, five involved drivers traveling in the same direction as the cyclist; only one was associated with a vehicle entering or exiting a driveway. Given that bicyclists are already aware of the presence of numerous driveways, and the addition of one more would not violate their expectations, the assertion that the added driveway creates a safety hazard is unsupported.

It is worth noting that the provision of an eight-foot shoulder across from the project's frontage, as is recommended above, would address the potential for collisions of the type that are predominant for cyclists on this route and improve safety for all cyclists traveling along the roadway.

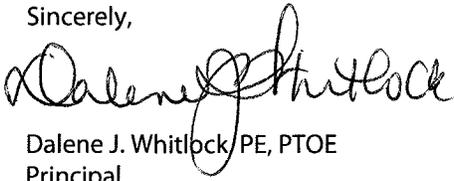
Memorandum to Traci Tesconi from George and Linda Unti, February 2, 2015

The proposal shows only 14 parking spaces for visitors. The allocated parking seems to be totally inadequate to meet these needs.

The parking supply as needed for special events is addressed in the traffic study, though the supply has subsequently been increased. As noted, the permanent parking supply is adequate for daily events. At the February 19, 2015 meeting, the Board of Zoning Adjustments (BZA) directed the applicant to provide more parking spaces. For the April 16, 2015 BZA hearing, Atterbury & Associates prepared a Revised Site Plan, dated March 13, 2015. The BZA approved the Parking Plan to provide 46 standard parking spaces and one handicap-accessible parking space. Adequate parking can be provided on site with minimal removal of vines. With the changes to the supply, the supply is expected to be sufficient to accommodate all of the guests that would be on-site at any one time during an event.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,



Dalene J. Whitlock PE, PTOE
Principal

DJW/acj/SOX249.R2C2



NOTICE OF WAIVER OF A PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR A USE PERMIT

APPLICANT: Kenneth and Diane Wilson/Atterbury & Associates, Inc.

FILE: PLP05-0062

OWNER: Kenneth & Diane Wilson

DESCRIPTION OF PROJECT & LOCATION: Request for a Use Permit and Administrative Design Review for a winery with a 25,000 case maximum production capacity to include public tasting room, retail sales, and 24 special events per year with a maximum of 100 guests per event on 40 acres. An existing barn would be converted to a future barrel storage building located at 4304 Dry Creek Road, Healdsburg; Zoning LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat); APN 090-200-008; Supervisorial District 4.

It is the intention of the Director of the Permit and Resource Management Department to issue a Use Permit as provided in Section 26-88-010(g) of the Sonoma County Zoning Ordinance. The Use Permit is being granted because the department has determined the proposal is a minor land use alteration.

A Mitigated Negative Declaration, including mitigation measures agreed to by the applicant, has been prepared for the project to avoid or reduce to a less-than-significant level potentially significant adverse impacts on the environment. Potential environmental impacts have been identified in the following topic areas: None with Mitigation.

The Director intends to find that the proposal will not be detrimental to the health, safety or welfare of adjacent land uses or properties.

The Use Permit will be issued without a public hearing on June 11, 2007 unless a written objection is received by the Director prior to that date. If a written objection is received, a public hearing will be scheduled and a notice of the hearing will be issued.

Persons wishing to obtain more information about this proposal, or to appeal in writing, must contact the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403. (707) 565-1903.

Posting Date: May 21, 2007
Staff: Traci Tesconi

NOTICE OF WAIVER OF A PUBLIC HEARING FOR A ONE-YEAR EXTENSION OF TIME FOR A USE PERMIT

APPLICANT: Kenneth and Diane Wilson/Atterbury & Associates, Inc.
OWNER: Kenneth & Diane Wilson

FILE: PLP05-0062

DESCRIPTION OF PROJECT & LOCATION: Request for a one-year extension of time for a previously approved Use Permit for a winery with a 25,000 case maximum annual production capacity to include public tasting room, retail sales, and 24 special events per year with a maximum of 100 guests per event on 40 acres, with an existing barn converted to a future barrel storage building located at 4304 Dry Creek Road, Healdsburg; Zoning LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat); APN 090-200-008; Supervisorial District 4.

A Mitigated Negative Declaration was previously prepared and adopted for the Use Permit. A review of the project determined that there was (1) No new information; (2) No changes in the project; and (3) No changes in circumstances surrounding the project which would require further environmental review.

The one-year extension of time for the Use Permit will be issued without a public hearing on June 11, 2009 unless a written objection is received by the Director prior to that date. If a written objection is received, a public hearing will be scheduled and a notice of the hearing will be issued.

Persons wishing to obtain more information about this proposal, or to appeal in writing, must contact the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403. (707) 565-1903.

Posting Date: May 15, 2009
Staff: Traci Tesconi

PLP05-0062 USE PERMIT EXHIBITS HALES WINERY

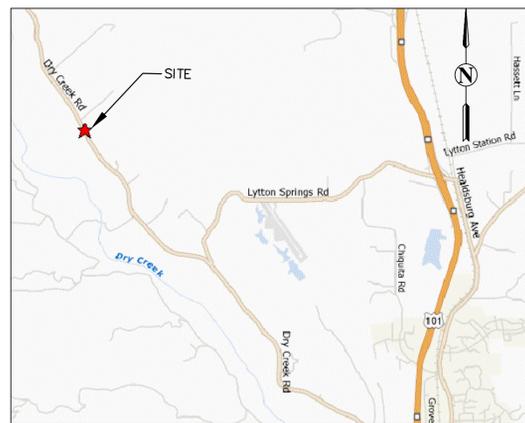
4304 DRY CREEK ROAD, HEALDSBURG, CA 95448

**ASSESSOR'S PARCEL NUMBERS:
090-200-008**

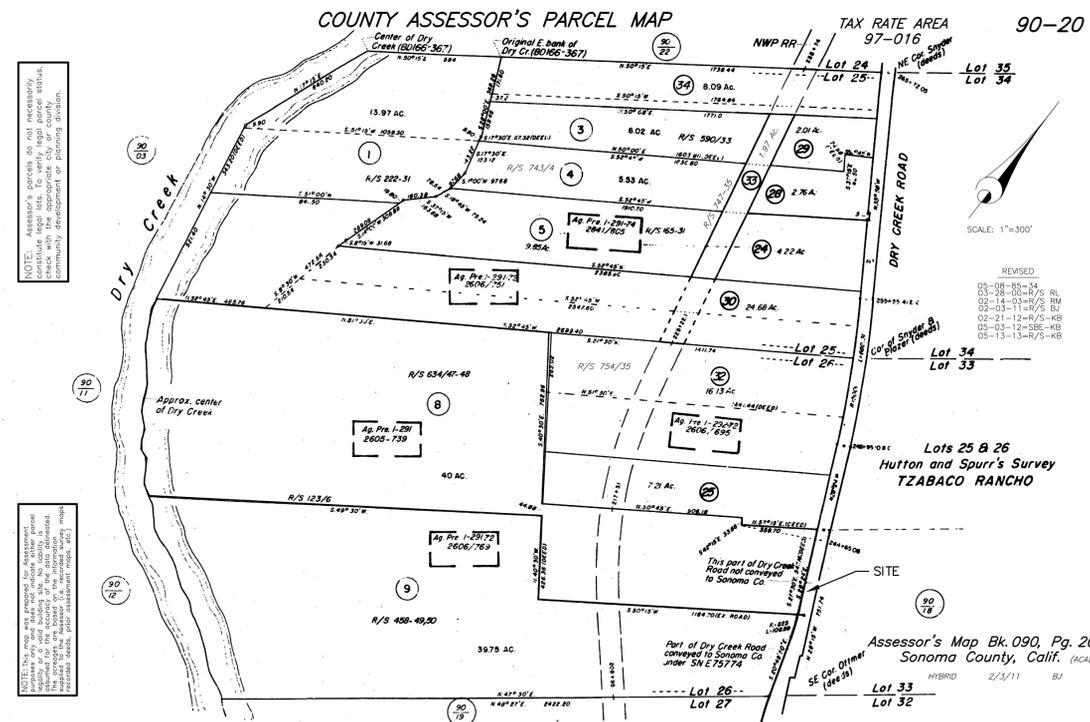
**OWNERSHIP: KENNETH & DIANE WILSON
438 MATHESON STREET
HEALDSBURG, CA 95448**



QUAD MAP
NTS



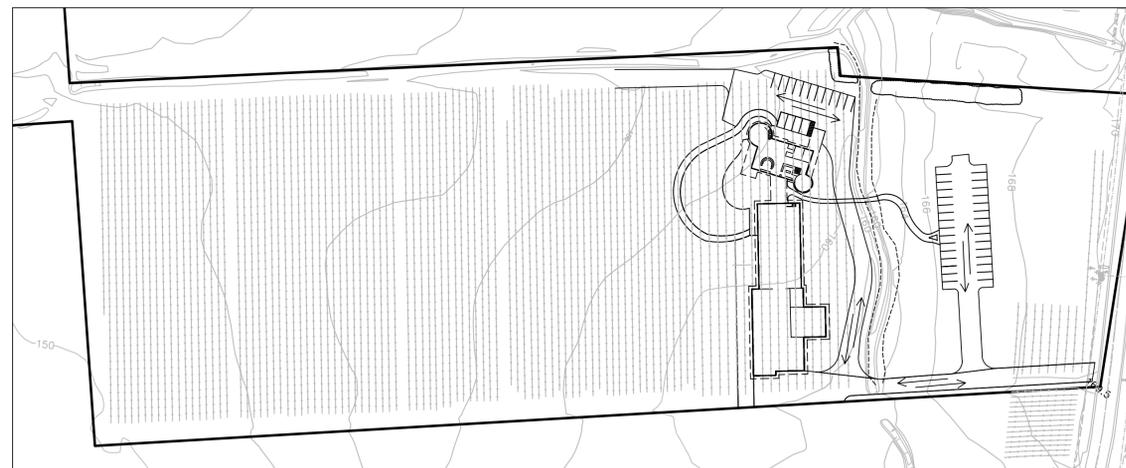
LOCATION MAP
NTS



ASSESSOR'S PARCEL MAP
NTS

SHEET INDEX

1. TITLE SHEET
2. OVERALL SITE PLAN
3. FLOOR PLAN - LANDSCAPE PLAN
4. ELEVATIONS AND SECOND FLOOR PLAN



EVENT TRAFFIC AND CIRCULATION PLAN
1" = 100'



EVENT PARKING LAYOUT
1" = 40'

EXHIBIT H

REVISION	DESCRIPTION	BY	DATE
1	REVISION #1	MD	4/13/15

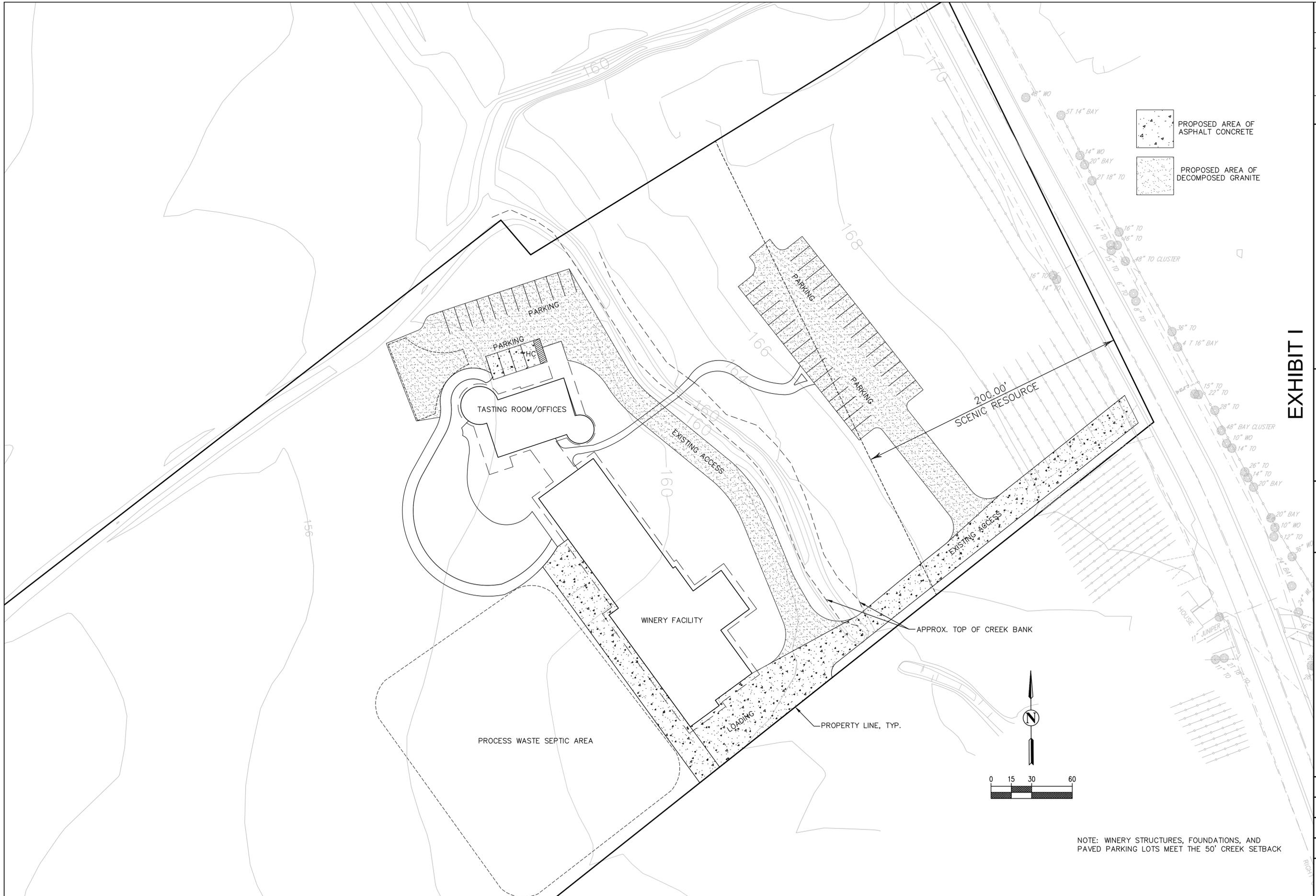
ATTERBURY & ASSOCIATES, INC.
Civil Engineering - Land Planning
16109 Healdsburg Avenue, Suite D, Healdsburg, CA 95448
Phone: (707) 438-0134; Fax: (707) 438-0136

APN 090-200-008

HALES WINERY - PLP05-0062
USE PERMIT EXHIBITS
TITLE SHEET
4304 DRY CREEK RD.
HEALDSBURG, CA 95448

Date: 3/13/15
Scale: AS SHOWN
Drawn: MD
Job: 05-05

Sheet:
1 OF 4



REVISION	DESCRIPTION	BY	DATE
1	PARKING REVISION #1	MD	4/13/15

ATTERBURY & ASSOCIATES, INC.
 Civil Engineering - Land Planning
 1609 Healdsburg Avenue, Suite D, Healdsburg, CA 95448
 Phone: (707) 488-0194; Fax: (707) 438-0036

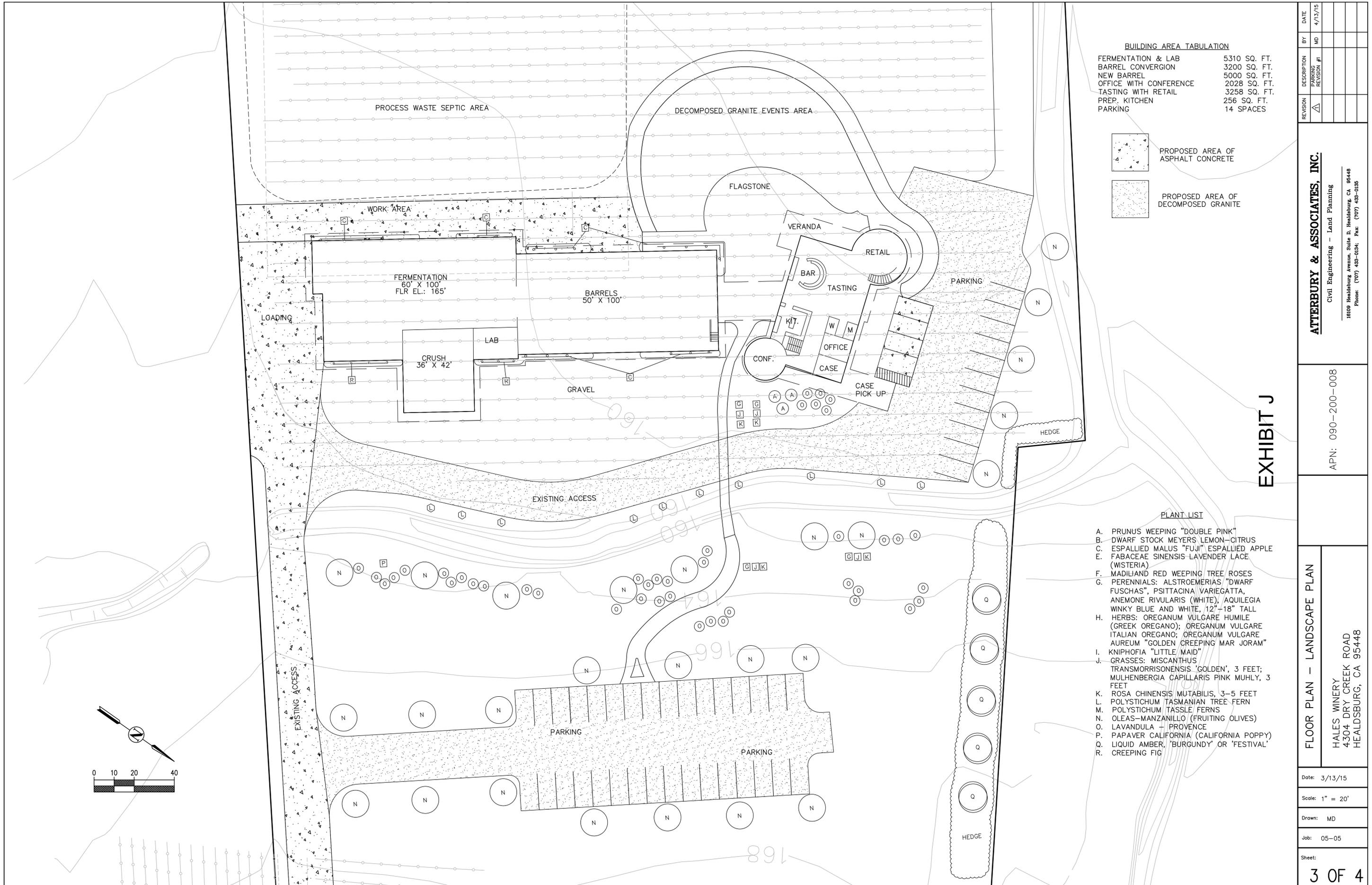
APN: 090-200-008

OVERALL SITE PLAN
 HALES WINERY
 4304 DRY CREEK ROAD
 HEALDSBURG, CA 95448

Date: 3/13/15
 Scale: 1" = 30'
 Drawn: MD
 Job: 05-05
 Sheet: **2 OF 4**

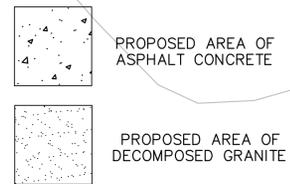
EXHIBIT I

NOTE: WINERY STRUCTURES, FOUNDATIONS, AND PAVED PARKING LOTS MEET THE 50' CREEK SETBACK



BUILDING AREA TABULATION

FERMENTATION & LAB	5310 SQ. FT.
BARREL CONVERSION	3200 SQ. FT.
NEW BARREL	5000 SQ. FT.
OFFICE WITH CONFERENCE	2028 SQ. FT.
TASTING WITH RETAIL	3258 SQ. FT.
PREP. KITCHEN	256 SQ. FT.
PARKING	14 SPACES



PLANT LIST

- A. PRUNUS WEEPING "DOUBLE PINK"
- B. DWARF STOCK MEYERS LEMON-CITRUS
- C. ESPALLIED MALUS "FUJI" ESPALLIED APPLE
- E. FABACEAE SINENSIS-LAVENDER LACE (WISTERIA)
- F. MADLIAND RED WEEPING TREE ROSES
- G. PERENNIALS: ALSTROEMERIAS "DWARF FUSCHAS", PSITTACINA VARIEGATTA, ANEMONE RIVULARIS (WHITE), AQUILEGIA WINKY BLUE AND WHITE, 12"-18" TALL
- H. HERBS: OREGANUM VULGARE HUMILE (GREEK OREGANO); OREGANUM VULGARE ITALIAN OREGANO; OREGANUM VULGARE AUREUM "GOLDEN CREEPING MAR JORAM"
- I. KNIPHOFIA "LITTLE MAID"
- J. GRASSES: MISCANTHUS TRANSMORRISONENSIS "GOLDEN", 3 FEET; MULHENBERGIA CAPILLARIS PINK MUHLY, 3 FEET
- K. ROSA CHINENSIS MUTABILIS, 3-5 FEET
- L. POLYSTICHUM TASMANIAN TREE FERN
- M. POLYSTICHUM TASSLE FERNS
- N. OLEAS-MANZANILLO (FRUITING OLIVES)
- O. LAVANDULA - PROVENCE
- P. PAPAVER CALIFORNIA (CALIFORNIA POPPY)
- Q. LIQUID AMBER, "BURGUNDY" OR "FESTIVAL"
- R. CREEPING FIG

REVISION	DESCRIPTION	BY	DATE
1	PARKING REVISION #1	MD	4/13/15

ATTERBURY & ASSOCIATES, INC.
 Civil Engineering - Land Planning
 16109 Healdsburg Avenue, Suite D, Healdsburg, CA 96448
 Phone: (707) 488-0194; Fax: (707) 438-0036

APN: 090-200-008

FLOOR PLAN - LANDSCAPE PLAN
 HALES WINERY
 4304 DRY CREEK ROAD
 HEALDSBURG, CA 95448

Date: 3/13/15
 Scale: 1" = 20'
 Drawn: MD
 Job: 05-05

Sheet:
3 OF 4

EXHIBIT J

Traffic Impact Study for the Hale Vineyard Winery



Prepared for the
County of Sonoma



Submitted by

Whitlock & Weinberger Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500

web www.w-trans.com

475 14th Street
Suite 290
Oakland, CA 94612

voice 510.444.2600

February 5, 2015

EXHIBIT K

Table of Contents

	Page
Executive Summary	1
Introduction	2
Transportation Setting.....	4
Capacity Analysis	6
Alternative Modes	9
Site Access.....	10
Parking.....	12
Conclusions and Recommendations	13
Study Participants and References	14
 Figure	
1 Study Area and Existing Volumes	3
 Tables	
1 Trip Generation	6
2 Sight Distance Evaluation.....	10
 Appendices	
A Intersection Level of Service Calculations	
B Collision Rate Calculations	
C Winery Trip Generation and Special Event Schedules	
D Turn Lane Warrants	

Executive Summary

To address ongoing concerns about the potential traffic impacts associated with the proposed Hale Vineyard Winery project, the letter report initially prepared for the project was expanded and later amended. These letters have been compiled into this single, comprehensive report for the benefit of the Board of Supervisors as well as the public. This report does not present new information; rather, it organizes and expands upon the information previously provided.

The proposed project would allow construction of a winery producing 25,000 cases annually at 4304 Dry Creek Road; the site is currently occupied by a storage facility and a 35-acre vineyard. The proposal also includes 24 special events. The winery and tasting room operation are expected to generate an average of 50 new trips per day, including 9 during the weekday p.m. peak hour and 10 during the Saturday midday peak hour; up to 92 trip ends would be generated by a large special event. The parking as proposed is adequate to serve all site uses.

Dry Creek Road currently carries about 3,050 vehicles per day on weekdays. While it has experienced an above average collision rate, the rate was not substantially above average, and review of the individual collisions did not indicate any specific safety concern. It is operating at LOS A during the weekday evening peak hour, and would operate at LOS B with project trips added. A sensitivity analysis indicates that up to 250 trips could be added to Dry Creek Road in each direction without exceeding the County's LOS C standard. The project trips, as well as those associated with multiple special events occurring simultaneously, would therefore be expected to have a less-than-significant impact.

Access to the project site will occur via the existing driveway at the westerly side of Dry Creek Road approximately 1500 feet south of Norris Road where sight lines in both directions are adequate. Additional visibility could be achieved by trimming vegetation along both sides of the road. A left-turn lane on Dry Creek Road at the project driveway is not warranted.

To support planned future construction of bike lanes along the section of Dry Creek Road serving the project site, right-of-way should be dedicated as necessary to achieve the width needed for the road widening.

Introduction

Introduction

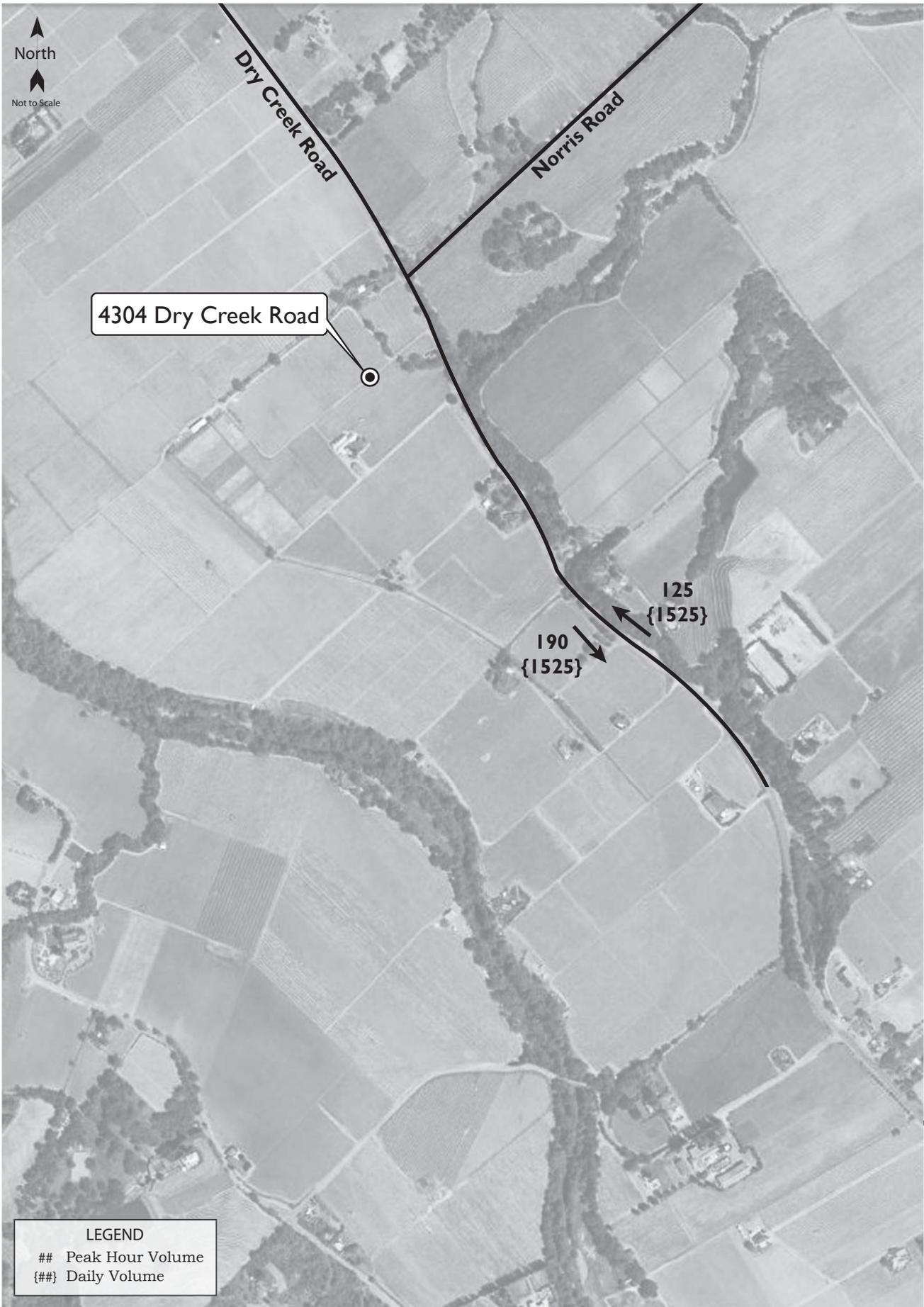
This report presents an analysis addressing potential traffic impacts associated with the development of the proposed Hale Vineyard Winery to be located at 4304 Dry Creek Road in the County of Sonoma, northwest of the City of Healdsburg.

Prelude

The purpose of a traffic impact study is to provide County staff and policy makers with data that they can use to make an informed decision regarding the potential traffic impacts of a proposed project, and any associated improvements that would be required in order to mitigate these impacts to a level of insignificance as defined by the County's General Plan or other policies. Vehicular traffic impacts are typically evaluated by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on existing travel patterns or anticipated travel patterns specific to the proposed project, then analyzing the impact the new traffic would be expected to have on critical intersections or roadway segments. Impacts relative to access for pedestrians, bicyclists, and to transit are also addressed.

Project Profile

The proposed project consists of the addition of a new winery producing 25,000 cases annually. The project application includes provisions for 24 special events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events on eight days. A vicinity map showing the project location is provided in Figure 1.



Transportation Setting

Existing Conditions

Dry Creek Road is a two-lane road with a posted speed limit of 50 miles per hour (mph). There are paved shoulders on both sides of the road that are used as bicycle lanes. Based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at LOS A during the p.m. peak hour. It is classified as a Rural Major Collector road in Figure CT-4c of the *Sonoma County General Plan 2020 Circulation and Transit Element*. The roadway is marked with a solid double yellow centerline immediately in front of the driveway that transitions to a dashed yellow line for northbound traffic just north of Norris Road.

A copy of the level of service calculation is provided in Appendix A.

Study Area

The study area consists of Dry Creek Road fronting the winery site, and the project driveway providing access to the existing wine storage building and the 35-acre vineyard. The proposed project would take access from the existing driveway located on the west side of Dry Creek Road approximately 1,500 feet south of Norris Road and three-quarters of a mile north of Lambert Bridge Road.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current five-year period available is July 2008 through June 2013.

For this five-year period there were seven collisions reported on Dry Creek Road within one half mile in either direction of the existing driveway to the driveway resulting in a calculated collision rate 1.24 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average for two-lane rural roads with a speed limit less than 55 miles per hour, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 0.93 c/mvm. The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, so the records were reviewed in greater detail. Of the seven collisions reported, three were single vehicle collisions with improper turning described as the primary collision factor for two and driving under the influence for the other. The other four collisions involved two vehicles traveling in the same direction, so are likely associated with movements at driveways, and three were due to following drivers attempting to pass a vehicle making a turn. This type of collision is often associated with inadequate sight lines as well as drivers traveling at an excessive speed. As long as the driveway has adequate sight lines so that drivers have adequate time to react to movements into and out of the driveway, the project would not be expected to have a perceptible impact on safety conditions in the area.

The collision rate calculation is provided in Appendix B.

Traffic Operation Standards

The project site and study area fall under the County of Sonoma's jurisdiction. Based on the most recent criteria published by the County of Sonoma, the project would have a significant traffic impact if it results in any of the following conditions.

1. *On-site roads and frontage improvements:* Proposed on-site circulation and street frontage would not meet the County's minimum standards for roadway or driveway design, or potentially result in safety hazards, as determined by the County in consultation with a registered traffic engineer.
2. *Parking:* Proposed on-site parking supply would not be adequate to accommodate parking demand.
3. *Emergency Access:* The project site would have inadequate emergency access.
4. *Alternative Transportation:* The project provides inadequate facilities for alternative transportation modes (e.g., bus turnouts, bicycle racks, pedestrian pathways) and/or the project creates potential conflicts with adopted policies, plans, or programs supporting alternative transportation.
5. *Road Hazards:* Hazards are increased due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment, heavy pedestrian or truck traffic).
6. *Vehicle Queues:* The addition of project traffic causes the 95th percentile queue length to exceed roadway turn lane storage capacity.
7. *Signal Warrants:* The addition of the project's vehicle or pedestrian traffic causes an intersection to meet or exceed Caltrans signal warrant criteria.
8. *Turn Lanes:* The addition of project traffic causes an intersection to meet or exceed criteria for provision of a right- or left-turn lane on an intersection approach.
9. *Sight Lines:* The project constructs an unsignalized intersection (including driveways) or adds traffic to an existing unsignalized intersection approach that does not have adequate sight lines based upon Caltrans criteria for state highway intersections and County criteria for County roadway intersections.
10. *Intersections:* The County Level of Service standard for intersections is Level of Service D. The project would have a significant traffic impact if the project's traffic would cause an intersection currently operating at an acceptable level of service (LOS D or better) to operate below the standard (LOS E or F).
11. *Roadway Operation:* The Level of Service Standard for County roadway operations is to maintain a Level of Service C per Policy CT-4a.

Capacity Analysis

Project Description

The proposed project, as revised in July 2014, includes development of a 25,000 cases per year winery with a tasting room, as well as 24 special events, including eight days of participation in industry-wide events.

Trip Generation

For purposes of estimating the number of new trips that proposed projects can be expected to generate, *Trip Generation Manual*, 9th Edition, Institute of Transportation Engineers, 2012, is typically used. Since this publication does not contain information for wineries, Sonoma County's Winery Trip Generation form was used to determine the potential trip generation for the proposed project. Copies of the Winery Trip Generation spreadsheet and Event Schedule summaries are provided in Appendix C.

It was assumed that the winery will import just over half of the grapes needed to produce 25,000 cases of wine, with the remainder of the fruit coming from the adjacent vineyards.

The winery will have five employees for production, administration, and sales, and the tasting room will have one employee. Each is assumed to generate an average of three trips per day, resulting in 18 employee trips per day.

An average of 38 visitors per day is expected for tasting, with a high of 50 daily tasters during the summertime months and a low of about 20 visitors daily during the wintertime months. Based on the average vehicle occupancy of 2.5 visitors per vehicle and conservatively applying trips based on 50 visitors, an average of 30 daily trips is expected due to tasting room visitors. Data previously collected by W-Trans at a local Sonoma County Winery was used to develop factors for winery tasting room trips made during both the p.m. and weekend midday peak hour. These winery driveway counts were collected one week every month for a year and indicate that 10 percent of the daily tasting trips occur during the p.m. peak hour and 13 percent during the weekend midday peak. In addition to visitor and employee traffic, truck traffic in the form of deliveries is expected to contribute two trip ends per weekday.

As shown in Table I, the proposed tasting room project would be expected to generate an average of 50 new trip ends per day during peak operation, including 9 trips during the weekday p.m. peak hour and 10 during the weekend midday peak hour. These new trips represent the increase in traffic associated with the project compared to existing volumes.

**Table I
Trip Generation**

Trip Type	Units	Daily Trips	Weekday PM Peak			Saturday Midday Peak		
			Trips	In	Out	Trips	In	Out
Employees	5	15	5	1	4	5	2	3
Tasting Visitors	38	30	3	0	3	4	2	2
Tasting Room Employees	1	3	1	0	1	1	1	0
Trucks	1	2	0	0	0	0	0	0
Total New Trips		50	9	1	8	10	5	5

It should be noted that the trip generation estimates treat each visitor as if they were making a single-purpose trip to visit this one winery, when in fact most visitors are going to multiple tasting rooms while on the same trip. Given the proximity to other wineries along Dry Creek Road it is likely that the bulk of the tasting room traffic would be drawn from the existing stream of traffic generated by visitors already in the area that are visiting one or more of the surrounding wineries, so would not result in 30 new trips.

Special Events

The project application includes provisions for 24 special events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events on eight days. It is assumed that a maximum sized 100-person event would require a staff of six. Using an occupancy of 2.5 vehicles per guests and solo occupancy for staff, a maximum sized event would be expected to generate 92 trip ends at the driveway, including 46 inbound trips at the start of the event and 46 outbound trips upon its conclusion. It is noted that, while employees would typically arrive an hour or more before guests arrive and depart an hour or more after they leave, it was conservatively assumed that they arrive and depart during the same hour as guests. Further, it was assumed that all guests arrive during a single hour and depart during a single hour, though there may be those who arrive late or depart early. The traffic volume actually arriving during a single hour would therefore likely be less than the volumes as indicated and used for the analysis.

Annual Average Daily Event Traffic

For the purpose of calculating traffic impact fees, Sonoma County uses an annualized average trip generation that factors in event traffic. Over the course of a year, events are expected to generate an annualized average of eight trips per day. Obviously events only generate traffic on days when they occur; however, this annualized average is provided for staff's use only and was not used for any analysis purposes.

Finding: A maximum sized event would have a peak trip generation of 46 vehicle trips during a single hour. Averaged out over the course of the year, special events are expected to generate an average of 8 trips a day (AADT), as indicated on the County's standard winery trip generation form.

Harvest Season

As proposed, there would be no additional employees during harvest season. The importing of grapes and other production-related trips results in about one truck trip per day, on average, over the course of the two-month harvest season, or one round trip every other day. The trip generation variation over the course of the year is shown in the Winery Trip Generation Form.

Existing plus Project Conditions

County data obtained during August of 2011 and 2014 were reviewed to determine hourly volumes for Dry Creek Road. Both counts were performed in August, which tends to be one of the highest-volume months of the year, and had very similar average volumes during the p.m. peak hour. These counts indicate about Dry Creek Road carries about 315 vehicles during the peak hour, with 125 northbound and 190 southbound, and operates at LOS A during the p.m. peak hour. The project is expected to generate a maximum of 46 trips during any hour. With these trips added to the existing peak hour volumes, Dry Creek Road would be expected to operate at LOS B. The project's impact is therefore less than significant. It is further noted that the peak trip generation of 46 trips would be unlikely to occur during the peak hour.

Traffic counts for Saturday and Sunday were also reviewed, and it was determined that, while the peak hour on a Saturday occurs during the middle of the day, the volumes are very similar to those during the weekday evening peak hour. Volumes during the Sunday peak hour, which was also during the middle of the day, were lower than those on either a Saturday or during the evening peak hour. The analysis using peak hour volumes therefore adequately captures operation on a weekend as well.

Consideration was given to the potential for multiple events to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, even if five such events occurred in the same area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

One concern expressed regarding the project is that traffic control officers should be mandatory for special events. The analysis performed indicates that there is no need for such a requirement, as traffic operations would continue to be acceptable with the addition of project-generated trips.

Finding: Due to the minimal number of peak hour trips that the project is expected to generate, traffic operation is expected to be essentially unchanged upon adding project-generated trips. Further, there is sufficient capacity to accommodate trips associated with special events, even if multiple events occurred simultaneously. The project would therefore have a less-than-significant impact on traffic operation.

Alternative Modes

While the rural nature of Dry Creek Road makes it unlikely that there will be any substantial volume of pedestrian traffic, Dry Creek Road is a popular route for bicycle travel. This is due, at least in part, to the presence of wide shoulders in the easterly part of the route that provide cyclists with a place to ride that is outside the vehicle travel lane. Within the project area Dry Creek Road is designated as a future Class II bike route in the *Sonoma County Bicycle and Pedestrian Plan*. The project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel. However, to provide for the planned future bike lanes, the project should ensure that adequate right-of-way is available along the project's frontage so that at such time as the County undertakes a project to construct the bike lanes they will have adequate width to build the lane.

Finding: The project will have no direct impact on adequacy of facilities for bicyclists, but should provide for planned future improvements as appropriate.

Recommendation: The project should dedicate right-of-way as necessary to accommodate a 6-foot shoulder on Dry Creek Road along the project site's roadway frontage.

Site Access

The site would be accessed by a single, existing driveway on Dry Creek Road.

Sight Distance

At unsignalized driveways a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either turn left or turn right, without requiring the through traffic to radically alter their speed.

Sight distance along Dry Creek Road from the proposed driveway was evaluated based on sight distance criteria contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines include recommended sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches and for drivers of stopped vehicles at the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left as compared to turning right.

A field visit of the project site and study area was conducted. Sight distance was measured from a 3.5-foot height at the location of the driver 15 feet back from the edgeline on the minor road to a 4.25-foot object height in the center of the approaching lane of the major road. During the course of the field review a short speed survey was performed that indicates that the 85th percentile speed of drivers approaching the driveway was 53 mph. A design speed of 55 mph was therefore used to capture the actual speed at which drivers are traveling. Based on a 55-mph design speed, AASHTO recommends the sight distances indicated in Table 2 for the associated movements.

Table 2
Sight Distance Evaluation

Type of Sight Distance	Minimum (feet)	Available (feet)
Outbound Right Turn	530	800-plus
Outbound Left Turn	610	665
Following Inbound Left Turn	495	535

As shown in Table 2, the available sight lines for both inbound and outbound movements exceed the minimums recommended for the 55-mph design speed applied. It was noted during the sight visit that there is vegetation that restricts sight lines in both directions (ground-level branches on a tree to the northwest and a bush on the inside of the curve to the southeast). Trimming of this vegetation would increase sight lines and ensure adequate visibility when drivers are substantially exceeding the 50-mph speed limit.

A concern has been expressed by one of the neighbors of the project site that sight distance standards ignore the fact that drivers' reaction times will be impaired as the whole point of special events is to drink wine. However, it is noted that wineries are responsible for monitoring the consumption of alcohol on their premises and law enforcement officials are responsible for the enforcement of driver behavior. Engineering studies are based on the typical conditions of the land use, roadways and motorists. Based on observations of wine tasting events in Dry Creek Valley it has been noted that many attendees have a designated driver. Further, events generally provide only wine tasting, or a small amount of various kinds

of wine, resulting in the consumption of one to two glasses of wine total. Also, such events pair the wine with food, diluting the impact of the alcohol.

The placement of signs or landscaping near a driveway can impede upon the availability of clear sight lines. Therefore, it is recommended that any elements placed near the project driveways either be low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained.

Recommendations: Vegetation along Dry Creek Road that limits sight lines should be trimmed if permission can be obtained from the appropriate property owners. Landscaping and vegetation along the frontage should be kept out of sight lines or have a height of less than three feet or be above seven feet for tree canopies.

Left-Turn Lane Warrants

The need for left-turn channelization in the form of a left-turn pocket on Dry Creek Road was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans *Highway Design Manual*.

For this analysis it was conservatively assumed that all project related traffic would access the site via northbound left turns, as this condition represents the greatest potential need for a left-turn pocket. Although special events would not typically start during a peak hour, to evaluate worst case conditions, inbound trips to a maximum-sized event were used along with volumes during the peak hour. Even using this conservative approach a left-turn lane is not warranted.

A sensitivity analysis was conducted to determine at what point a left-turn lane would be warranted. Based on weekend midday peak hour volumes, there would need to be about 203 vehicles turning left from Dry Creek Road to the proposed project during a single hour before a left-turn pocket would be warranted.

Based on the evaluation performed as well as the lack of left-turn pockets for the majority of wineries on Dry Creek Road, as well as at the interchange with US 101, a left-turn pocket is not recommended. A copy of the Left-Turn Lane Warrant spreadsheet is provided in Appendix D.

Parking

As proposed, the project site would have 22 marked parking spaces available for use by employees and visitors, two of which would be designated for handicap access. During typical daily operation up to six employees would be on-site simultaneously and there would be up to eight vehicles associated with wine tasting visitors. The proposed supply is more than adequate to meet the demand on a typical day.

During events having 100 attendees, parking would be needed for 46 vehicles (40 for attendees and six for staff). It is understood that parking for the additional 24 vehicles would take place along the driveway or between rows of vines.

While participation in larger industry-wide events would result in a higher attendance overall, such events are spread over many hours, with attendees spending an hour or less at each winery. The parking needed for such an event is therefore less than that for a 100-person event where all attendees are on-site simultaneously.

Finding: the parking as proposed, including use of vineyard rows for overflow parking during an event, is expected to be adequate to serve all site uses.

Conclusions and Recommendations

Conclusions

- Dry Creek Road is currently operating at LOS A during the evening peak hour, and is expected to operate at LOS B with project trips added.
- The proposed winery is expected to generate an average of 50 new daily trips and a maximum of 46 hourly trips during a special event.
- An additional 250 trips per hour could be added along this section of Dry Creek Road while maintaining acceptable LOS C operation during either the weekday p.m. peak hour or the weekend midday peak hour. The project added trips, as well as those from multiple simultaneous special events, would therefore have a less-than-significant impact.
- Sight distance at the location of the existing driveway is acceptable in both directions as well as for vehicles traveling on Dry Creek Road.
- A left-turn pocket is not warranted on Dry Creek Road at the existing access driveway with the addition of the project, even under conservative assumptions.
- Parking as proposed is expected to be adequate to serve all proposed site uses.

Recommendations

- Any landscaping or signs placed near the project driveway should be either low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained.
- Right-of-way along the project site's frontage on Dry Creek Road should be dedicated as necessary to provide adequate width for the planned future bike lane.

Study Participants and References

Study Participants

Principal in Charge: Dalene J. Whitlock, PE, PTOE
Technician/Graphics: Deborah J. Mizell
Report Preparation: Allison Jaromin
Editing/Formatting: Angela McCoy

References

2010 Sonoma County Bicycle and Pedestrian Plan, County of Sonoma, 2010
Highway Design Manual, 6th Edition, California Department of Transportation, 2012
Intersection Channelization Design Guide, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985
A Policy on Geometric Design of Highways and Streets, 6th Edition, American Association of State Highway and Transportation Officials, 2011
Sonoma County General Plan 2020 – Circulation and Transit Element, County of Sonoma, 2010
Sonoma County, California Municipal Code, Municipal Code Corporation, 2014
Statewide Integrated Traffic Records System (SWITRS), California Highway Patrol, 2008-2013

SOX249



Appendix A

Intersection Level of Service Calculations

Percent Time-Spent-Following

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Phone: Fax:
E-Mail:

-----Directional Two-Lane Highway Segment Analysis-----

Analyst Dalene Whitlock
Agency/Co. County of Sonoma
Date Performed 12/5/2014
Analysis Time Period Existing plus Project
Highway Dry Creek Road
From/To northwest of Healdsburg
Jurisdiction County of Sonoma
Analysis Year 2014
Description Hale Vineyard Winery

-----Input Data-----

Highway class	Class 2	Peak hour factor, PHF	0.88	
Shoulder width	6.0 ft	% Trucks and buses	6	%
Lane width	12.0 ft	% Trucks crawling	0.0	%
Segment length	2.0 mi	Truck crawl speed	0.0	mi/hr
Terrain type	Specific Grade	% Recreational vehicles	4	%
Grade: Length	0.25 mi	% No-passing zones	80	%
Up/down	3.0 %	Access point density	15	/mi

Analysis direction volume, Vd 171 veh/h
Opposing direction volume, Vo 195 veh/h

-----Average Travel Speed-----

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	2.4	1.5
PCE for RVs, ER	1.1	1.0
Heavy-vehicle adj. factor,(note-5) fHV	0.919	0.971
Grade adj. factor,(note-1) fg	0.84	1.00
Directional flow rate,(note-2) vi	252 pc/h	228 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed,(note-3) S FM - mi/h
Observed total demand,(note-3) V - veh/h

Estimated Free-Flow Speed:

Base free-flow speed,(note-3) BFFS 60.0 mi/h
Adj. for lane and shoulder width,(note-3) fLS 0.0 mi/h
Adj. for access point density,(note-3) fA 3.8 mi/h

Free-flow speed, FFSd 56.3 mi/h

Adjustment for no-passing zones, fnp 3.8 mi/h
Average travel speed, ATSD 48.8 mi/h
Percent Free Flow Speed, PFFS 86.7 %

-----Percent Time-Spent-Following-----

Direction	Analysis(d)	Opposing (o)	
PCE for trucks, ET	1.0	1.1	
PCE for RVs, ER	1.0	1.0	
Heavy-vehicle adjustment factor, fHV	1.000	0.994	
Grade adjustment factor,(note-1) fg	0.99	1.00	
Directional flow rate,(note-2) vi	196 pc/h	223 pc/h	
Base percent time-spent-following,(note-4) BPTSFd	21.9 %		
Adjustment for no-passing zones, fnp	60.3		
Percent time-spent-following, PTSFd	50.1 %		

-----Level of Service and Other Performance Measures-----

Level of service, LOS	B	
Volume to capacity ratio, v/c	0.12	
Peak 15-min vehicle-miles of travel, VMT15	97 veh-mi	
Peak-hour vehicle-miles of travel, VMT60	342 veh-mi	
Peak 15-min total travel time, TT15	2.0 veh-h	
Capacity from ATS, CdATS	1329 veh/h	
Capacity from PTSF, CdPTSF	1675 veh/h	
Directional Capacity	1675 veh/h	

-----Passing Lane Analysis-----

Total length of analysis segment, Lt	2.0 mi
Length of two-lane highway upstream of the passing lane, Lu	- mi
Length of passing lane including tapers, Lpl	- mi
Average travel speed, ATSD (from above)	48.8 mi/h
Percent time-spent-following, PTSFd (from above)	50.1
Level of service, LOSd (from above)	B

-----Average Travel Speed with Passing Lane-----

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	- mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	- mi
Adj. factor for the effect of passing lane on average speed, fpl	-
Average travel speed including passing lane, ATSp1	-
Percent free flow speed including passing lane, PFFSp1	0.0 %

-----Percent Time-Spent-Following with Passing Lane-----

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	- mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	- mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-
Percent time-spent-following including passing lane, PTSFpl	- %

-----Level of Service and Other Performance Measures with Passing Lane-----

Level of service including passing lane, LOSpl	A
Peak 15-min total travel time, TT15	- veh-h

-----Bicycle Level of Service-----

Phone: Fax:
 E-Mail:

-----Directional Two-Lane Highway Segment Analysis-----

Analyst Dalene Whitlock
 Agency/Co. County of Sonoma
 Date Performed 12/5/2014
 Analysis Time Period Existing plus Multiple Events
 Highway Dry Creek Road
 From/To northwest of Healdsburg
 Jurisdiction County of Sonoma
 Analysis Year 2014
 Description Hale Vineyard Winery

-----Input Data-----

Highway class	Class 2	Peak hour factor, PHF	0.88	
Shoulder width	6.0 ft	% Trucks and buses	6	%
Lane width	12.0 ft	% Trucks crawling	0.0	%
Segment length	2.0 mi	Truck crawl speed	0.0	mi/hr
Terrain type	Level	% Recreational vehicles	4	%
Grade: Length	- mi	% No-passing zones	80	%
Up/down	- %	Access point density	15	/mi

Analysis direction volume, Vd 375 veh/h
 Opposing direction volume, Vo 445 veh/h

-----Average Travel Speed-----

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.3	1.2
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adj. factor,(note-5) fHV	0.982	0.988
Grade adj. factor,(note-1) fg	1.00	1.00
Directional flow rate,(note-2) vi	434 pc/h	512 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed,(note-3) S FM - mi/h
 Observed total demand,(note-3) V - veh/h

Estimated Free-Flow Speed:

Base free-flow speed,(note-3) BFfS 60.0 mi/h
 Adj. for lane and shoulder width,(note-3) fLS 0.0 mi/h
 Adj. for access point density,(note-3) fA 3.8 mi/h

Free-flow speed, FFfSd 56.3 mi/h

Adjustment for no-passing zones, fnp 2.2 mi/h
 Average travel speed, ATfSd 46.7 mi/h
 Percent Free Flow Speed, PFFS 83.0 %

-----Percent Time-Spent-Following-----

Direction	Analysis(d)	Opposing (o)	
PCE for trucks, ET	1.0	1.0	
PCE for RVs, ER	1.0	1.0	
Heavy-vehicle adjustment factor, fHV	1.000	1.000	
Grade adjustment factor,(note-1) fg	1.00	1.00	
Directional flow rate,(note-2) vi	426 pc/h	506 pc/h	
Base percent time-spent-following,(note-4) BPTSFD	46.8	%	
Adjustment for no-passing zones, fnp	39.2		
Percent time-spent-following, PTSFD	64.7	%	

-----Level of Service and Other Performance Measures-----

Level of service, LOS	C	
Volume to capacity ratio, v/c	0.25	
Peak 15-min vehicle-miles of travel, VMT15	213	veh-mi
Peak-hour vehicle-miles of travel, VMT60	750	veh-mi
Peak 15-min total travel time, TT15	4.6	veh-h
Capacity from ATS, CdATS	1680	veh/h
Capacity from PTSF, CdPTSF	1700	veh/h
Directional Capacity	1700	veh/h

-----Passing Lane Analysis-----

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	46.7	mi/h
Percent time-spent-following, PTSFD (from above)	64.7	
Level of service, LOSd (from above)	C	

-----Average Travel Speed with Passing Lane-----

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSp1	-	
Percent free flow speed including passing lane, PFFSp1	0.0	%

-----Percent Time-Spent-Following with Passing Lane-----

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

-----Level of Service and Other Performance Measures with Passing Lane-----

Level of service including passing lane, LOSpl	A	
Peak 15-min total travel time, TT15	-	veh-h

-----Bicycle Level of Service-----

Appendix B

Collision Rate Calculations

SEGMENT COLLISION RATE CALCULATIONS

Hale Vineyard Winery

Location: 4304 Dry Creek Road

Date of Count: Saturday, January 00, 1900

ADT: 3,100

Number of Collisions: 7

Number of Injuries: 3

Number of Fatalities: 0

Start Date: July 1, 2008

End Date: June 30, 2013

Number of Years: 5

Highway Type: Conventional 2 lanes or less

Area: Rural

Design Speed: ≤55

Terrain: Flat

Segment Length: 1.0 miles

Direction: North/South

$$\frac{\text{Number of Collisions} \times 1 \text{ Million}}{\text{ADT} \times 365 \text{ Days per Year} \times \text{Segment Length} \times \text{Number of Years}}$$

$$\frac{7 \times 1,000,000}{3,100 \times 365 \times 1 \times 5}$$

	<u>Collision Rate</u>	<u>Fatality Rate</u>	<u>Injury Rate</u>
Study Segment	1.24 c/mvm	0.0%	42.9%
Statewide Average*	0.93 c/mvm	2.4%	40.1%

ADT = average daily traffic volume

c/mvm = collisions per million vehicle miles

* 2010 Collision Data on California State Highways, Caltrans

Appendix C

Winery Trip Generation and Special Event Schedules

Winery Trip Generation

Winery: Hale Winery
Location: 4304 Dry Creek Road, Healdsburg, CA
Annual Full Production (cases): 25,000 cases

WINERY OPERATIONS

WINERY Operations - Employee traffic using passenger vehicles, in average ADT

Item Description	Employees		Trips			
	Existing	Proposed	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production (use 3 ADT / employee)	n/a	1	n/a	3	6	3
Cellar / Storage (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Administrative (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Sales (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Bottling (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Other staff (describe):	n/a	0	n/a	0	0	0
Totals	0	5	0	15	12	15

WINERY Operations - Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 12 Dates of Activity: 8/15 to 10/15	n/a	0.07
Juice Importation Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Juice Exportation Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Pomace Disposal Truck loads per year: 0 Dates of Activity: - to - Disposed: on site	n/a	0
Bottle Delivery Truck loads per year: 13 Dates of Activity: Aug to Feb	n/a	0.10
Barrel Delivery Truck loads per year: 2 Dates of Activity: 9/1 to 9/30	n/a	0.02
Finished Wine Transportation to storage/sales Truck loads per year: 25 Dates of Activity: 1/1 to 12/31	n/a	0.19
Less Backhauls Truck loads per year: 0 Dates of Activity: 1/1 to 12/31	n/a	0
Miscellaneous trips Truck loads per year: 47 Dates of Activity: 1/1 to 12/31	n/a	1.36
Totals	0.00	1.73

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round (use 3 ADT / employee)	n/a	0	n/a	0
Vineyard Maintenance: Peak Season (use 3 ADT / employee)	n/a	0	n/a	0
Totals	n/a	0	0	0

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors (divide by 2.5 people per vehicle to arrive at ADT)	n/a	38	n/a	30
Tasting Room Employees (use 3 ADT / employee)	n/a	1	n/a	3
Other	n/a		n/a	
Totals	n/a	39	0	33

Months of Operation (attach an explanation of how the operation varies seasonally)	n/a	Year Round
Days of Operation (e.g., 7 days a week; weekends only; etc)	n/a	7 days a week
Hours of Operation - Non-Harvest Season	n/a	8am to 5pm
Hours of Operation - Harvest Season	n/a	8am to 8pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic (please transfer data from attached form)	n/a	8
Other (2 existing mobile homes and wine storage building)	n/a	
Totals	0	8

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Employee Traffic associated with winery operations	n/a	15
Truck Traffic associated with winery operations	n/a	2
Employee Traffic associated with vineyard operations	n/a	0
Tasting Room Traffic (employees and visitors)	n/a	33
Event Traffic (employee and visitors)	n/a	8
Miscellaneous other traffic generators	n/a	0
Totals	0	58

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Totals	53	40	67	41	53	64	57	67	64	82	59	33

EVENT SCHEDULE

PRMD File Number: PLP05-0062

Name of Facility: Hale Winery
 Type of event shown on this sheet: Weddings

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thurs)												
Fridays												
Saturdays						1	1					
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?
For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	Arrival											Departure	
# guests / event													100
# employees / event													6
# guest vehicles / event													40
# employees / vehicles													1

For Sunday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Agricultural Promotional Events

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays												
Saturdays	1	1	1	1	1	1	1	1	1	1	1	1
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Arrival												Departure
# guests / event													80
# employees / event													5
# guest vehicles / event													32
# employees / vehicles													1

For Saturday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Charitable Benefits

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays										1	1	
Saturdays												
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events												
# guests / event										80		80
# employees / event										5		5
# guest vehicles / event										32		32
# employees / vehicles										1		1

For Sunday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Appendix D

Turn Lane Warrants

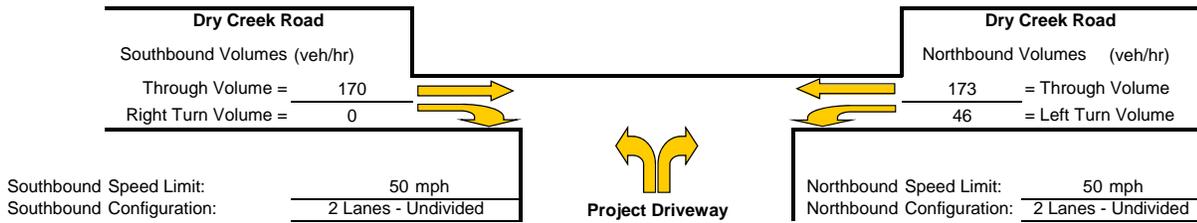
Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Dry Creek Road

Study Scenario: Existing + Project (Weekend Midday Peak for project, PM Peak for roadway)

Direction of Analysis Street: North/South

Cross Street Intersects: From the West



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

NOT WARRANTED Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = -
Advancing Volume Va = 170
If $AV < Va$ then warrant is met -

Right Turn Lane Warranted: NO

Southbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

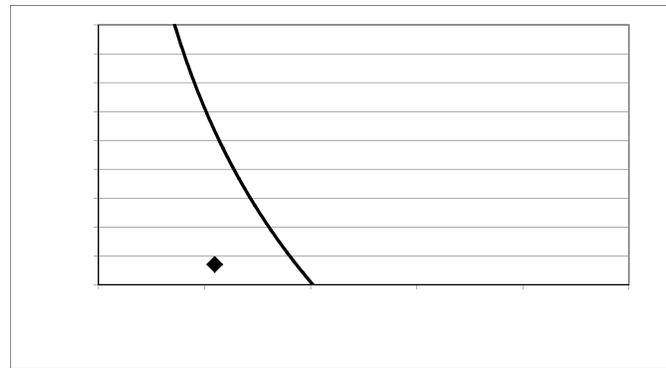
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
Advancing Volume Va = 170
If $AV < Va$ then warrant is met -

Right Turn Taper Warranted: NO

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt 21.0 %
Advancing Volume Threshold AV 373 veh/hr
If $AV < Va$ then warrant is met



◆ Study Intersection

Two lane roadway warrant threshold for: 50 mph

Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.

The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.

The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

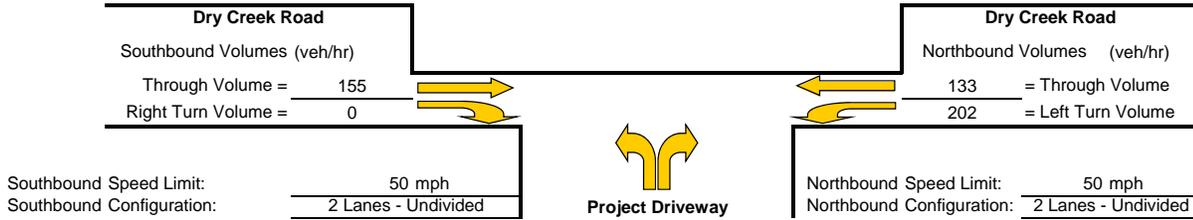
Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Dry Creek Road

Study Scenario: Existing + Project (Weekend Midday Peak) - Sensitivity Analysis

Direction of Analysis Street: North/South

Cross Street Intersects: From the West



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

NOT WARRANTED Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	155
If $AV < Va$ then warrant is met		

Right Turn Lane Warranted: NO

Southbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

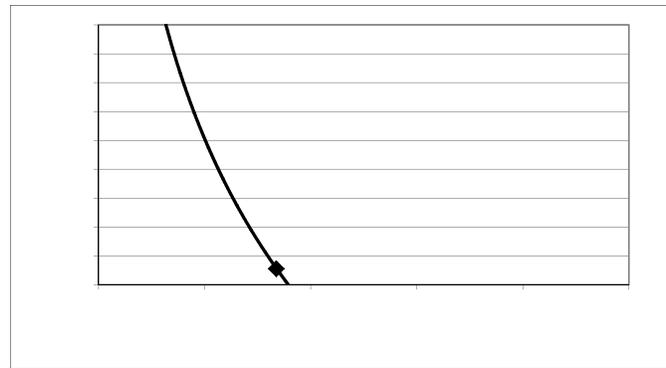
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	155
If $AV < Va$ then warrant is met		

Right Turn Taper Warranted: NO

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt	60.3 %
Advancing Volume Threshold AV	336 veh/hr
If $AV < Va$ then warrant is met	



◆ Study Intersection
 Two lane roadway warrant threshold for: 50 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.

The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.

The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

1 Willowbrook Court, Suite 120
Petaluma, California 94954

Tel: 707-794-0400
www.illingworthrodkin.com

Fax: 707-794-0405
illro@illingworthrodkin.com

May 13, 2014

Mr. Kenneth Wilson
438 Matheson Street
Healdsburg, CA 95448

VIA E-Mail: ken@wilsonwinery.com

**SUBJECT: Hales Winery, Sonoma County, CA
Special Events Noise Assessment**

Dear Ken:

This letter presents the results of our analysis of potential noise impacts resulting from special events at Hales Winery proposed at 4304 Dry Creek Road in Sonoma County. We understand that the 25,000 case winery project was previously approved, and that the County has requested an updated sound study to address amplified music during proposed special events. We also understand that amplified speech or music is no longer proposed as part of special events.

This assessment includes a summary of applicable regulatory criteria established in the Sonoma County General Plan, a summary of ambient noise data, and projections of noise levels calculated at nearby sensitive receivers during special events. Where noise levels are predicted to exceed applicable regulatory criteria, mitigation is proposed.

Regulatory Criteria

Goals, objectives, and policies, designed to protect noise-sensitive uses from exposure to excessive noise, are set forth in the Noise Element of the Sonoma County General Plan 2020. The following objectives and policies are applicable in the assessment of the proposed project:

Objective NE-1.2: Develop and implement measures to avoid exposure of people to excessive noise levels.

Objective NE-1.3: Protect the present noise environment and prevent intrusion of new noise sources which would substantially alter the noise environment.

Policy NE-1a: Designate areas within Sonoma County as noise impacted if they are exposed to existing or projected exterior noise levels exceeding 60 dB L_{dn} , 60 dB CNEL, or the performance standards of Table NE-2 (Table 1 of this report).

Policy NE-1c: Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 (Table 3) of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use. Limit exceptions to the following:

- (1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.
- (2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.
- (3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.
- (4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.
- (5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:
 - (a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and
 - (b) There is available open land on these noise sensitive lands for noise attenuation. This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

TABLE 1 Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)

Hourly Noise Metric ¹ , dBA	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
L ₅₀ (30 minutes in any hour)	50	45
L ₂₅ (15 minutes in any hour)	55	50
L ₀₈ (5 minutes in any hour)	60	55
L ₀₂ (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

Noise Monitoring Survey

Illingworth & Rodkin, Inc. quantified ambient noise levels and identified sources of ambient noise at sensitive receivers to the north and east of the proposed winery. The approximate positions of the noise measurement locations are shown on Figure 1. A long-term noise measurement and a short-term noise measurement were made at representative locations to document existing noise levels at the nearest residential receivers.

Long-term noise measurement location LT-1 was approximately 135 feet from the center of Dry Creek Road at the approximate setback of a residence north of the site. Noise levels were measured beginning on the afternoon of April 5, 2006 and concluding on the afternoon of April 7, 2006. Figures 2 and 3 show the daily distribution of noise levels gathered at LT-1. The day-night average noise level at LT-1 ranged from 57 to 58 dBA L_{dn}.

A short-term noise measurement was made at one additional location. The short-term measurement location was selected to represent the noise environment at the nearest residential land use to the east. The sound level meter was located approximately 87 feet from the center of Dry Creek Road to quantify noise levels closer to the roadway. The average noise level measured from 4:00 pm to 4:15 pm on April 5, 2006 was 60 dBA. The estimated L_{dn} noise level at this position is 63 to 64 dBA.

Figure 1 **Aerial Photo Showing Noise Monitoring Positions**



Noise Levels at LT-1 ~ 135 feet from the Center of Dry Creek Road April 5 - 6, 2006

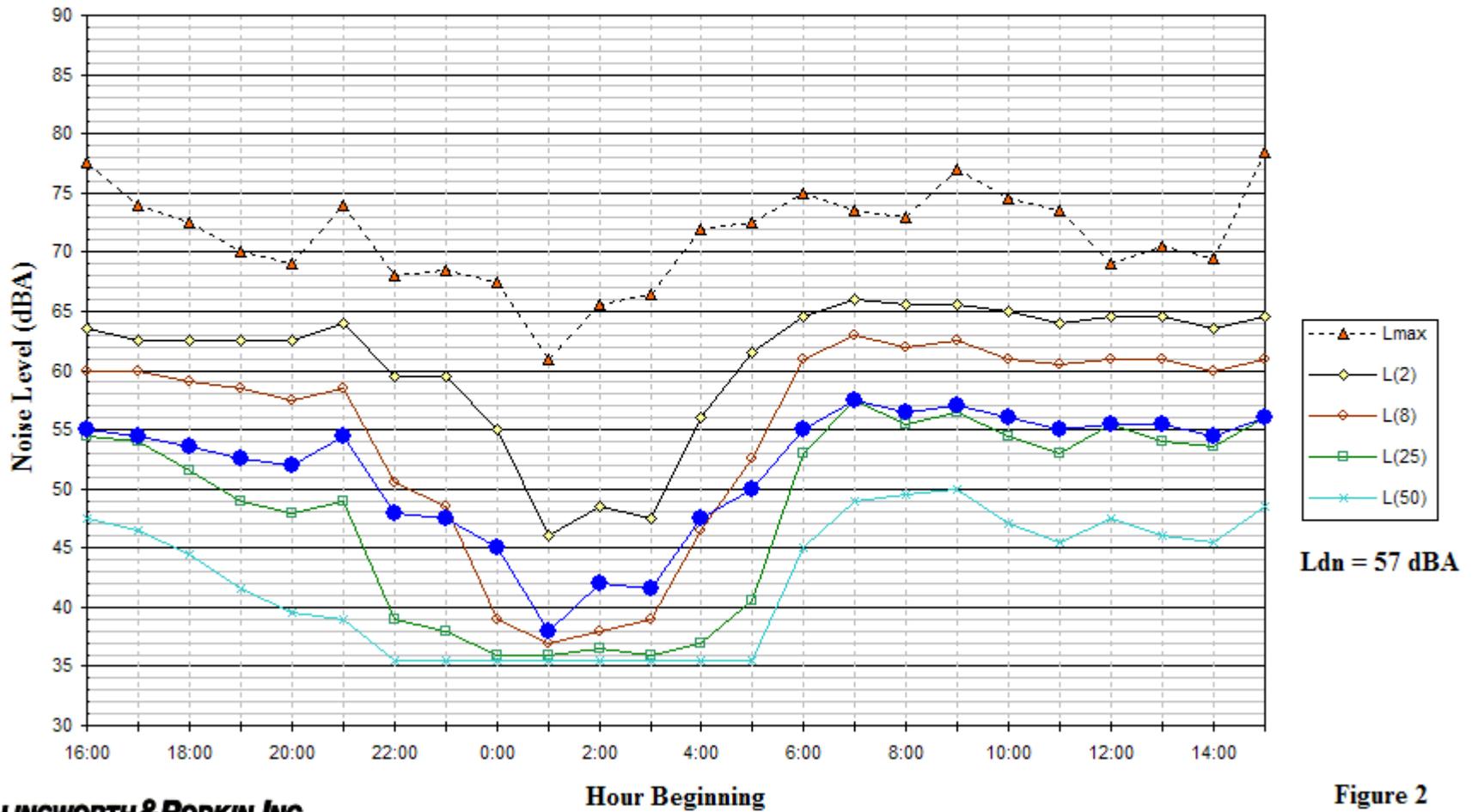


Figure 2

Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 6 - 7, 2006

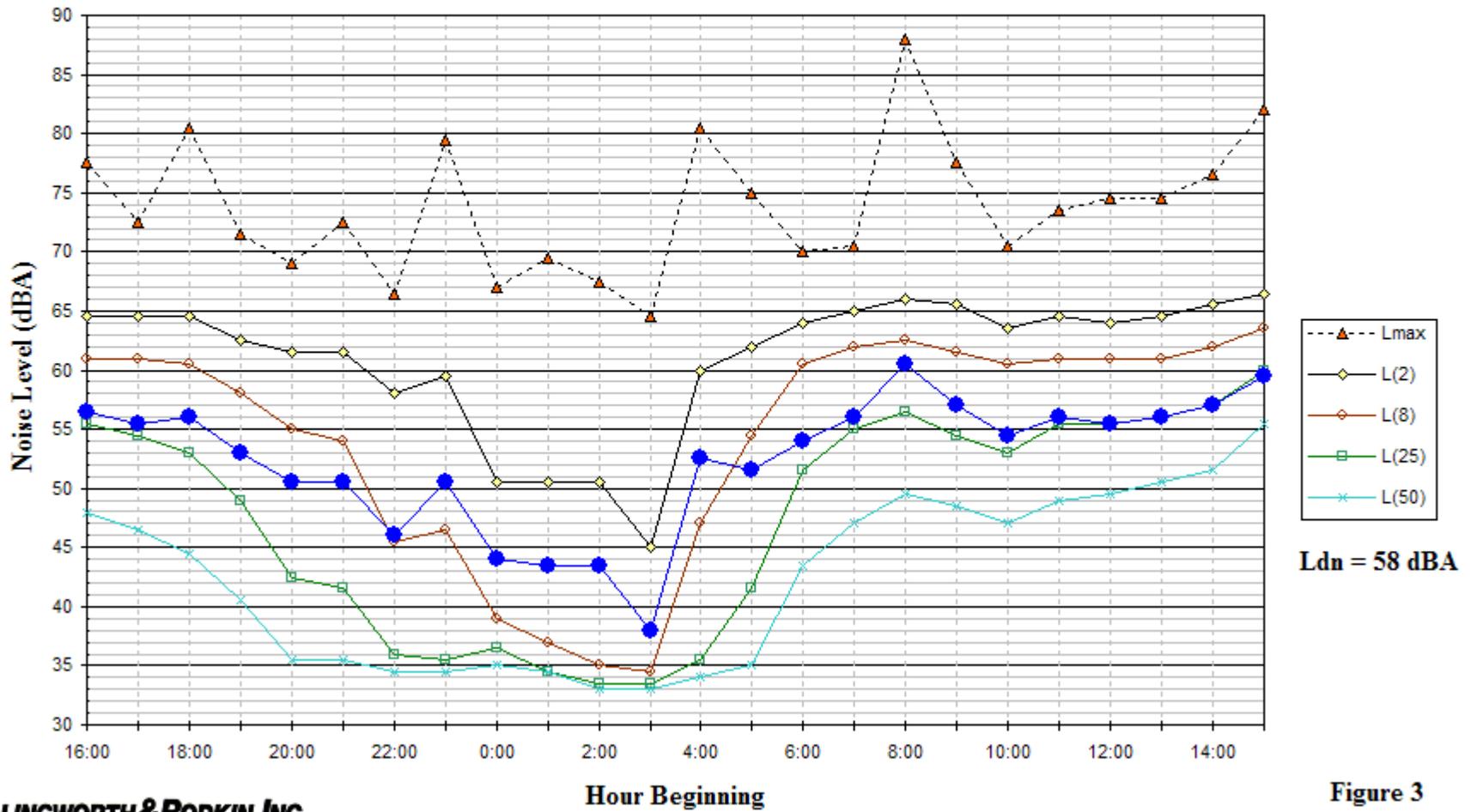


Figure 3

Noise Assessment

Estimating the expected noise produced by, and impacts from special events at adjacent noise sensitive uses requires three elements; the first is an assessment of what noise producing operations are likely to occur, the second is typical noise source levels for those operations, and the third is to determine the temporal nature of the operations.

To estimate the noise levels associated with special events, some attention must be given to the temporal nature of the noise produced. Based on a review of the site plan, outdoor events are expected to be held east of the tasting room and barrel room at the grass event area. Table 2 lists typical noise levels generated by small to moderate sized events at distances of 50 feet from the source.

TABLE 2: Typical Noise Source Levels for Special Events (A-Weighted L₅₀ Levels)

Event or Activity	Typical Noise Level @ 50 ft.
Amplified Music ¹	72 dBA
Amplified Speech	71 dBA
Non-amplified (acoustic) Music	67 dBA
Films – Voices/Music	64 dBA
Raised Conversation	64 dBA

¹ Amplified concert type music events are not proposed– such events would increase L₅₀ sound levels to 80 dBA @ 50 feet.

The final step in estimating the project noise levels is assessing the propagation of sound to the sensitive receptors. To do this, it is necessary to assume some rate of sound attenuation between the operations and receiver locations. The most dominant physical effect is due to the spreading out of sound waves with distance. For simple, single sources such as fixed equipment and stationary truck operations, the divergence of the sound wave is hemispherical in nature producing a reduction of 6 dB with each doubling of distance. For moving sources of noise, such as auto traffic or truck movements, which are considered linear sources of noise, the divergence of the sound wave is cylindrical in nature producing a reduction of 3 to 4 ½ dB with each doubling of distance. Other effects can modify these fall-off rates such as partial shielding from buildings or topography, atmospheric attenuation of sound, ground absorption, and meteorological effects. These effects almost always reduce the noise in addition to that due to sound divergence. As most of these effects will vary with time due to changing environmental conditions, it is most conservative to assume only attenuation due to divergence for outdoor activities and conservative (minimal) rate of structural attenuation (12 dBA) when operations are conducted within buildings, realizing that the actual noise level will be at or, most likely, below those predicted using this assumption at any one time.

To evaluate noise impacts on area noise sensitive uses, the closest residences to the site were located and noise levels were propagated to these residences as follows (see Figure 1):

Residence 1: This residence is located approximately 140 feet west of Dry Creek Road and north of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position LT-1.

Residence 2: This residence is located approximately 40 feet west of Dry Creek Road and south of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position ST-1. Noise levels are approximately 6 dBA higher at this receptor due to closer proximity to Dry Creek Road.

Ambient noise levels at these residences under worst case conditions were calculated using the sound level differences noted above and the measurement results shown on Figures 2 and 3, presented below in Table 3.

TABLE 3: Calculated Ambient Noise Levels at Adjacent Noise Sensitive Uses

Hourly Noise Metric	Exterior Ambient Noise Levels	
	Residence 1	Residence 2
	Ave. Daytime Level	Ave. Daytime Level
L ₅₀ (30 Min.)	46	52
L ₂₅ (15 Min.)	54	60
L ₀₈ (5 Min.)	60	66
L ₀₂ (1 Min.)	64	70

Impact Assessment

Special events planned at the winery include weddings (2 per year), wine club member dinners (14 per year), community service hosting events (1 to 2 per year), and industry wide events (6 per year). The winery is requesting a total of 8 events per year (weddings and industry wide events) with an attendance of up to 100 people, and 15 to 16 events with an attendance of up to 80 people. No amplification of speech or music would occur.

A review of the project site plan indicates that outdoor events would be held on the grass event area or flagstone patio area west of the tasting room and barrel room. Special events would be fully shielded from the nearest residential uses to the north and east (Residences 1 and 2) by the intervening buildings. A minimum 10 dBA of noise reduction would be expected due to the shielding provided by the buildings.

The special event area is a minimum distance of 200 feet from the nearest residential property line to the north and 320 feet from the nearest residential property line to the east. Non-amplified music at a wedding would generate worst-case noise levels of approximately 67 dBA at a distance of 50 feet. At the nearest residential property line to the north, noise levels are calculated to be 45 dBA assuming the shielding provided by the intervening building and the distance between the noise source and receiver. Noise levels would be approximately 41 dBA at the nearest residential property line to the east. Table 4 summarizes the assessment of outdoor special event noise.

TABLE 4: Outdoor Special Event L₅₀ Noise Levels

NE-2 Limits, Ambient Noise Levels, and Adjustments	L₅₀ (Noise Level Exceeded 30 Minutes in any Hour), dBA	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
NE-2 Adjustment for speech and music	-5	-5
Unadjusted Table NE-2 Nighttime Limit	45	45
Nighttime Ambient Noise Levels	36	42
Nighttime Ambient Exceeds NE-2 Limit?	No	No
Nighttime NE-2 Ambient Adjustment	+0	+0
NE-2 Adjustment for speech and music	-5	-5
Special Event L₅₀ Noise Levels	Residence 1	Residence 2
Outdoor Non-amplified Music	45	41
Outdoor Raised Conversation	42	38
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Event Noises Exceed Ambient by 10 dBA?	No(day) Yes(night)	No(day) No(night)
NE-2 Adjustment	+0(day) -5(night)	+0(day) +0(night)
Adjusted Table NE-2 Daytime Limit	45	47
Adjusted Table NE-2 Nighttime Limit	35	40
Non-amplified Music Exceeds Adjusted NE-2?	No (day) Yes (night)	No (day) Yes (night)
Raised Conversation Exceeds Adjusted NE-2?	No (day) Yes (night)	No (day) No (night)

Mitigation:

Based on the findings above, noise generated by non-amplified music and raised conversations would meet the daytime noise limits at Residences 1 and 2. Because event noise has the potential to result in an exceedance of the County NE-2 standards at night, all outdoor events extending past 10 pm should be moved indoors. The relocation of events indoors would provide about 15 dBA of noise reduction, assuming that windows are partially open for ventilation, resulting in operational noise levels below the ambient nighttime noise levels at Residences 1 and 2. No additional mitigation would be required to comply with the County NE-2 standards.



Mr. Kenneth Wilson
May 13, 2014
Page 10

This concludes our assessment of special event noise resulting from the Hales Winery project. If you have any questions or comments, please do not hesitate to call.

Sincerely,

Michael S. Thill
Senior Consultant, Principal
ILLINGWORTH & RODKIN, INC.

(06-068)

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

1 Willowbrook Court, Suite 120
Petaluma, California 94954

Tel: 707-794-0400
www.illingworthrodkin.com

Fax: 707-794-0405
illro@illingworthrodkin.com

May 13, 2014
Revised October 9, 2014

Mr. Kenneth Wilson
438 Matheson Street
Healdsburg, CA 95448

VIA E-Mail: ken@wilsonwinery.com

**SUBJECT: Hales Winery, Sonoma County, CA
Special Events Noise Assessment**

Dear Ken:

This letter presents the results of our analysis of potential noise impacts resulting from special events at Hales Winery proposed at 4304 Dry Creek Road in Sonoma County. We understand that the 25,000 case winery project was previously approved, and that the County has requested an updated sound study to address non-amplified and amplified music during proposed special events.

This assessment includes a summary of applicable regulatory criteria established in the Sonoma County General Plan, a summary of ambient noise data, and projections of noise levels calculated at nearby sensitive receivers during special events. Where noise levels are predicted to exceed applicable regulatory criteria, mitigation is proposed.

Regulatory Criteria

Goals, objectives, and policies, designed to protect noise-sensitive uses from exposure to excessive noise, are set forth in the Noise Element of the Sonoma County General Plan 2020. The following objectives and policies are applicable in the assessment of the proposed project:

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(2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.

(3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.

(4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.

(5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:

(a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and

(b) There is available open land on these noise sensitive lands for noise attenuation. This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

TABLE 1 Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)

Hourly Noise Metric ¹ , dBA	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
L ₅₀ (30 minutes in any hour)	50	45
L ₂₅ (15 minutes in any hour)	55	50
L ₀₈ (5 minutes in any hour)	60	55
L ₀₂ (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

Noise Monitoring Survey

Illingworth & Rodkin, Inc. quantified ambient noise levels and identified sources of ambient noise at sensitive receivers to the north and east of the proposed winery. The approximate positions of the noise measurement locations are shown on Figure 1. A long-term noise measurement and a short-term noise measurement were made at representative locations to document existing noise levels at the nearest residential receivers.

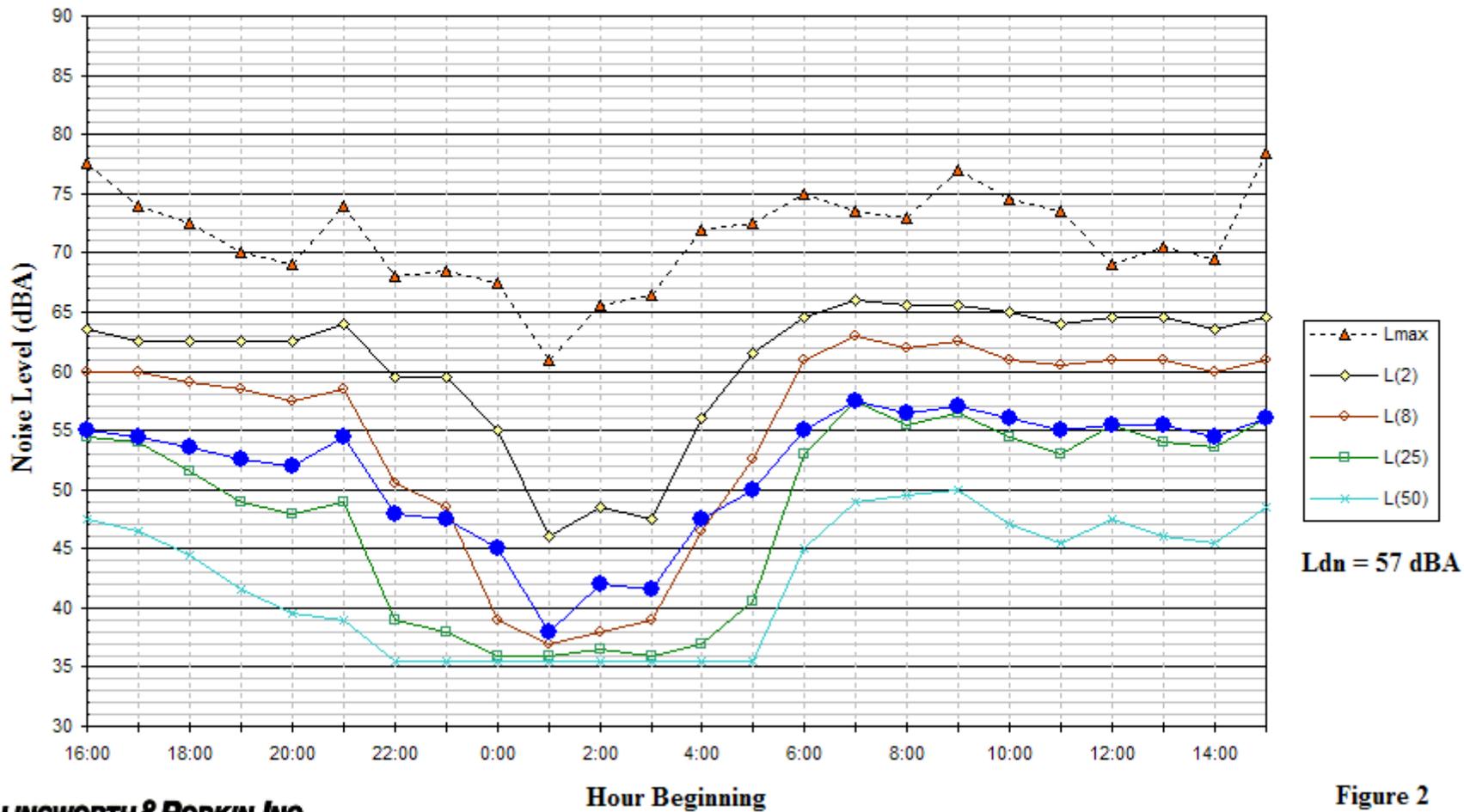
Long-term noise measurement location LT-1 was approximately 135 feet from the center of Dry Creek Road at the approximate setback of a residence north of the site. Noise levels were measured beginning on the afternoon of April 5, 2006 and concluding on the afternoon of April 7, 2006. Figures 2 and 3 show the daily distribution of noise levels gathered at LT-1. The day-night average noise level at LT-1 ranged from 57 to 58 dBA L_{dn}.

A short-term noise measurement was made at one additional location. The short-term measurement location was selected to represent the noise environment at the nearest residential land use to the east. The sound level meter was located approximately 87 feet from the center of Dry Creek Road to quantify noise levels closer to the roadway. The average noise level measured from 4:00 pm to 4:15 pm on April 5, 2006 was 60 dBA. The estimated L_{dn} noise level at this position is 63 to 64 dBA.

Figure 1 **Aerial Photo Showing Noise Monitoring Positions**



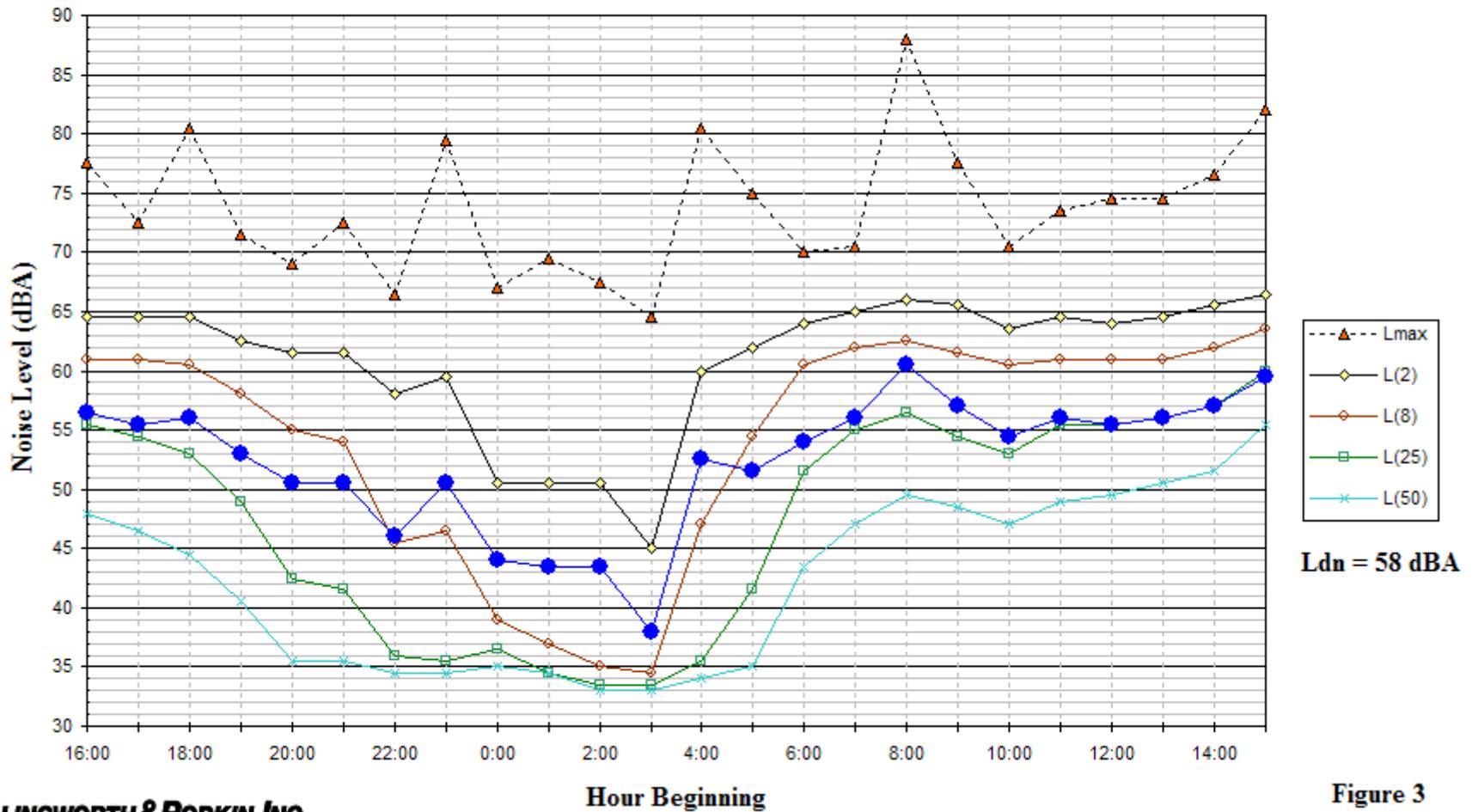
Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 5 - 6, 2006



Ldn = 57 dBA

Figure 2

Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 6 - 7, 2006



Ldn = 58 dBA

Figure 3

Noise Assessment

Estimating the expected noise produced by, and impacts from special events at adjacent noise sensitive uses requires three elements; the first is an assessment of what noise producing operations are likely to occur, the second is typical noise source levels for those operations, and the third is to determine the temporal nature of the operations.

To estimate the noise levels associated with special events, some attention must be given to the temporal nature of the noise produced. Based on a review of the site plan, outdoor events are expected to be held east of the tasting room and barrel room at the grass event area. Table 2 lists typical noise levels generated by small to moderate sized events at distances of 50 feet from the source.

TABLE 2: Typical Noise Source Levels for Special Events (A-Weighted L₅₀ Levels)

Event or Activity	Typical Noise Level @ 50 ft.
Amplified Music ¹	72 dBA
Amplified Speech	71 dBA
Non-amplified (acoustic) Music	67 dBA
Films – Voices/Music	64 dBA
Raised Conversation	64 dBA

¹ Amplified concert type music events are not proposed– such events would increase L₅₀ sound levels to 80 dBA @ 50 feet.

The final step in estimating the project noise levels is assessing the propagation of sound to the sensitive receptors. To do this, it is necessary to assume some rate of sound attenuation between the operations and receiver locations. The most dominant physical effect is due to the spreading out of sound waves with distance. For simple, single sources such as fixed equipment and stationary truck operations, the divergence of the sound wave is hemispherical in nature producing a reduction of 6 dB with each doubling of distance. For moving sources of noise, such as auto traffic or truck movements, which are considered linear sources of noise, the divergence of the sound wave is cylindrical in nature producing a reduction of 3 to 4 ½ dB with each doubling of distance. Other effects can modify these fall-off rates such as partial shielding from buildings or topography, atmospheric attenuation of sound, ground absorption, and meteorological effects. These effects almost always reduce the noise in addition to that due to sound divergence. As most of these effects will vary with time due to changing environmental conditions, it is most conservative to assume only attenuation due to divergence for outdoor activities and conservative (minimal) rate of structural attenuation (12 dBA) when operations are conducted within buildings, realizing that the actual noise level will be at or, most likely, below those predicted using this assumption at any one time.

To evaluate noise impacts on area noise sensitive uses, the closest residences to the site were located and noise levels were propagated to these residences as follows (see Figure 1):

Residence 1: This residence is located approximately 140 feet west of Dry Creek Road and north of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position LT-1.

Residence 2: This residence is located approximately 40 feet west of Dry Creek Road and south of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position ST-1. Noise levels are approximately 6 dBA higher at this receptor due to closer proximity to Dry Creek Road.

Ambient noise levels at these residences under worst case conditions were calculated using the sound level differences noted above and the measurement results shown on Figures 2 and 3, presented below in Table 3.

TABLE 3: Calculated Ambient Noise Levels at Adjacent Noise Sensitive Uses

Hourly Noise Metric	Exterior Ambient Noise Levels	
	Residence 1	Residence 2
	Ave. Daytime Level	Ave. Daytime Level
L ₅₀ (30 Min.)	46	52
L ₂₅ (15 Min.)	54	60
L ₀₈ (5 Min.)	60	66
L ₀₂ (1 Min.)	64	70

Impact Assessment

Special events planned at the winery include weddings (2 per year), agricultural promotional events (i.e., wine club member dinners - 12 per year), community service hosting events (2 per year), and industry wide events (8 per year). The winery is requesting a total of 4 events per year (weddings and community service hosting events) with an attendance of up to 100 people, 12 agricultural promotional events with an attendance of up to 80 people, and 8 industry wide events with a daily attendance of 300 people consisting of approximately 50 people per hour. All events will end by 10:00 pm.

A small amplified music system is proposed in the tasting room and would likely consist of computer speakers attached to a desktop computer. This amplified music system is intended to provide soft background music for the tasting room only. Such a small system, located within the tasting room, would not have sufficient power to produce noise levels outdoors that would exceed the County NE-2 standards at the nearest receptors. This amplified music system is not discussed further.

During the vast majority of special events planned at the winery, musicians would use acoustic instruments such as guitars or violins without any electronic amplification. A review of the project site plan indicates that outdoor events would be held on the grass event area or flagstone patio area west of the tasting room and barrel room. Special events would be fully shielded from the nearest residential uses to the north and east (Residences 1 and 2) by the intervening

buildings. A minimum 10 dBA of noise reduction would be expected due to the shielding provided by the buildings.

The special event area is a minimum distance of 200 feet from the nearest residential property line to the north and 320 feet from the nearest residential property line to the east. Assuming that non-amplified music would generate worst-case noise levels of approximately 67 dBA at a distance of 50 feet, noise levels are calculated to be 45 dBA at the nearest residential property line to the north when accounting for the acoustical shielding provided by the intervening building and the distance between the noise source and receiver. Noise levels resulting from non-amplified music would be approximately 41 dBA at the nearest residential property line to the east. Table 4 summarizes the assessment of outdoor special event noise resulting from non-amplified sources.

TABLE 4: Outdoor Special Event L₅₀ Noise Levels – Non-Amplified Sounds

NE-2 Limits, Ambient Noise Levels, and Adjustments	L₅₀ (Noise Level Exceeded 30 Minutes in any Hour), dBA	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
NE-2 Adjustment for speech and music	-5	-5
Special Event L₅₀ Noise Levels	Residence 1	Residence 2
Outdoor Non-amplified Music	45	41
Outdoor Raised Conversation	42	38
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Event Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	45	47
Non-amplified Music Exceeds Adjusted NE-2?	No	No
Raised Conversation Exceeds Adjusted NE-2?	No	No

Based on the findings above, noise generated by non-amplified music and raised conversations would meet the daytime noise limits at Residences 1 and 2.

Occasional private events (e.g., weddings, small parties, etc.) would have the option of using sound amplification equipment fitted with a limiter to prevent the volume from being turned up too high. Assuming that amplified music would generate worst-case noise levels of approximately 72 dBA at a distance of 50 feet, noise levels are calculated to be 50 dBA at the nearest residential property line to the north when accounting for the acoustical shielding provided by the intervening building and the distance between the noise source and receiver.

Noise levels resulting from amplified music would be approximately 46 dBA at the nearest residential property line to the east. Table 5 summarizes the assessment of outdoor special event noise resulting from non-amplified sources.

TABLE 5: Outdoor Special Event L₅₀ Noise Levels – Amplified Sounds

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₅₀ (Noise Level Exceeded 30 Minutes in any Hour), dBA	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
NE-2 Adjustment for speech and music	-5	-5
Special Event L ₅₀ Noise Levels	Residence 1	Residence 2
Outdoor Amplified Music	50	46
Outdoor Raised Conversation	42	38
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Event Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	45	47
Amplified Music Exceeds Adjusted NE-2?	Yes	No
Raised Conversation Exceeds Adjusted NE-2?	No	No

Based on the findings above, noise generated by amplified music or speech outdoors at the winery would exceed the adjusted daytime noise limit at Residence 1 by 5 dBA, but would exceed the adjusted daytime noise limit at Residence 2. Therefore, sound amplification equipment should be fitted with a limiter to prevent the sound level from exceeding 67 dBA at a distance of 50 feet. With the incorporation of the sound limiter, operational noise levels assuming amplified music or speech outdoors at the winery would not exceed the adjusted daytime noise limit at Residence 1 or Residence 2.

Noise generated by amplified music or speech indoors would be approximately 15 dBA less at Residences 1 and 2 assuming that windows and doors of the winery building are partially open for ventilation. Operational noise levels assuming amplified music or speech indoors at the winery would not exceed the adjusted daytime noise limit at Residence 1 or Residence 2 as predicted noise levels would be 35 dBA and 31 dBA L₅₀, respectively. No additional mitigation would be required to comply with the County NE-2 standards if amplified music or speech is only allowed indoors.



Mr. Kenneth Wilson
May 13, 2014
Revised October 9, 2014
Page 11

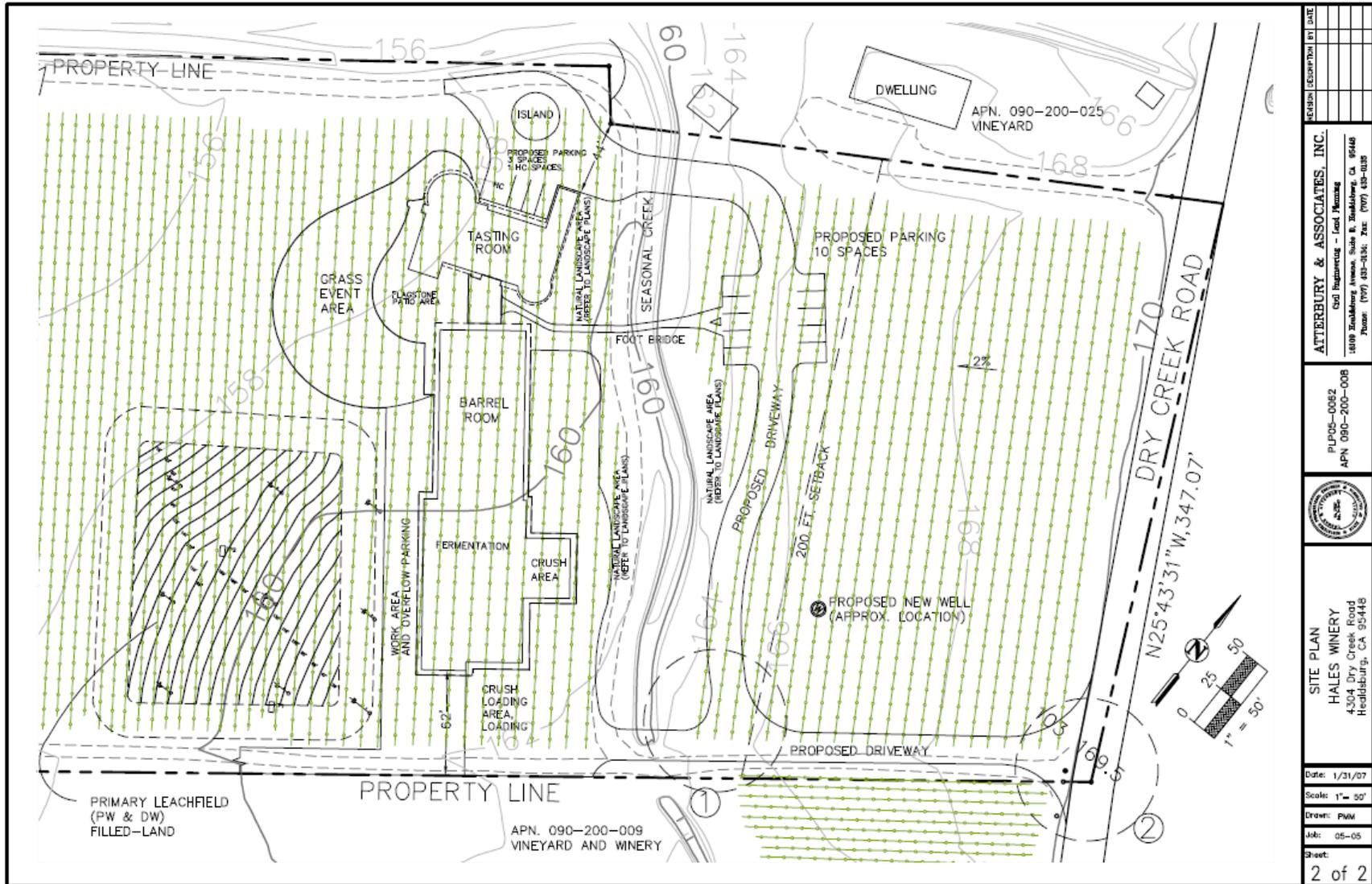
This concludes our assessment of special event noise resulting from the Hales Winery project. If you have any questions or comments, please do not hesitate to call.

Sincerely,

Michael S. Thill
Senior Consultant, Principal
ILLINGWORTH & RODKIN, INC.

(06-068)

Figure 4 Site Plan



REVISION	DESCRIPTION	BY	DATE

ATTERBURY & ASSOCIATES, INC. Civil Engineering - Land Planning 1608 Southridge Avenue, Suite B, Stockton, CA 95210 Phone: (979) 632-0136 Fax: (979) 632-0135
PUP05-0082 APN 090-200-008

SITE PLAN HALES WINERY 4304 Dry Creek Road Heatonsburg, CA 95448
Date: 1/31/07 Scale: 1" = 50' Drawn: PWM Jdn: 05-05 Sheet:
2 of 2

Memo

Date: March 13, 2015
To: Traci Tesconi, Planner III
Sonoma County Permit and Resource Management Department
From: Michael Thill, Principal Consultant
Illingworth & Rodkin, Inc.
Subject: Hales Winery, Sonoma County, CA (PLP05-0062) --

This memo has been prepared at your request to address concerns regarding the slight changes to the Sonoma County General Plan Table NE-2 noise limits since 2006 and to address any new or substantially different noise impacts resulting from the proposed Hales Winery project.

Regulatory Criteria

The Sonoma County General Plan 2020 Noise Element, adopted September 23 2008, sets forth policies to protect people from exposure to excessive noise. A site exposed to a noise level exceeding 60 dBA L_{dn} is considered “noise impacted”. If the source of noise affecting a residential area is an adjacent property, rather than a transportation source, then the noise limits set forth in Table NE-2 of the General Plan, shown in Table 1, determines if a property is “noise impacted”. Policy NE-1c provides the methodology to adjust the noise limits where applicable:

Policy NE-1c: Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 (Table 3) of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use. Limit exceptions to the following:

- (1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.
- (2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.
- (3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.
- (4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.

(5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:

(a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and

(b) There is available open land on these noise sensitive lands for noise attenuation. This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

TABLE 1: Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)

Hourly Noise Metric ¹	Maximum Exterior Noise Level Standards, dBA	
	Daytime	Nighttime
	7 AM to 10 PM	10 PM to 7 AM
L ₅₀ (30 Minutes)	50	45
L ₂₅ (15 Minutes)	55	50
L ₀₈ (5 Minutes)	60	55
L ₀₂ (1 Minute)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

The base noise limits for L₅₀, L₂₅, L₀₈, and L₀₂ have remained unchanged since 2006. The primary difference between the current noise limits as compared to the limits used in the 2006 noise analysis is due to the adjustment process. In 2006, the applicable standards in Table NE-2 were reduced by 5 dBA if the standards exceeded the ambient noise level by 10 or more decibels. The current protocol is to reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels. This results in a very subtle difference between the current assessment’s methodology versus the 2006 assessment’s methodology. However, the changes made to the noise thresholds do not result in new or substantially different noise impacts at nearby receptors.

Parking Lot Noise

Based on our review of the floor plan-landscape plan dated March 2, 2015, we understand that the expanded parking areas are located as close as 50 feet from the residential property line to the south and 95 feet from the residential property line to the north. Based on the noise data collected at the site, ambient daytime noise levels are 60 dBA L₀₈ at the nearest receptor to the north (Residence 1) and 66 dBA L₀₈ at the nearest receptor to the south (Residence 2). Table 2 summarizes the assessment of parking lot noise resulting from the project.

TABLE 2: Parking Lot L₀₈ Noise Levels

NE-2 Limits, Ambient Noise Levels, and Adjustments	L₀₈, dBA (Noise Level Exceeded 5 Minutes or more in any Hour)	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	60	60
Daytime Ambient Noise Levels	60	66
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+5
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	60	65
L₀₈ Noise Levels	Residence 1	Residence 2
Parking Lot	44 to 54	50 to 60
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	60	65
Parking Lot Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	60	65
Parking Lot Noises Exceeds Adjusted NE-2?	No	No

Noise sources such as engine starts and door slams would generate noise levels that would range from about 50 to 60 dBA at a distance of 50 feet. The predicted noise levels from these same sources would range from 44 to 54 dBA at a distance of 95 feet. Parking lot noise levels would be less than the adjusted daytime NE-2 noise level limit for sounds occurring between 5 minutes and 15 minutes in any one-hour period (L₀₈ noise limit). No new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval would be required.

Seasonal Production Related Noise

The 2006 Environmental Noise Assessment identified noise impacts due to seasonal production related noise (crushing and bottling activities). Based on our current review, we understand that the crushing bottling areas are located as close as 220 feet from the residential property line to the south and 300 feet from the residential property line to the north. Based on the noise data collected at the site, ambient daytime noise levels are 46 dBA L₅₀ at the nearest receptor to the north (Residence 1) and 52 dBA L₅₀ at the nearest receptor to the south (Residence 2).

Based on data gathered by Illingworth & Rodkin, Inc., noise levels generated during harvest are approximately 63 dBA L₅₀ at 50 feet assuming unshielded conditions. At the property line nearest the receiver to the north (Residence 1 – 300 feet), exterior noise levels generated during crush would be about 47 dBA L₅₀. At the property line nearest the receiver to the south (Residence 2 – 220 feet), exterior noise levels would be about 50 dBA L₅₀. Crushing noise levels would be equal to or less than the adjusted daytime NE-2 noise level limit for sounds occurring 30 minutes or more in any one-hour period (L₅₀ noise limit).

Bottling would occur inside a mobile bottling truck located at the crush loading area during daytime hours only. Noise levels at the rear of bottling trucks are approximately 67 dBA L₅₀ at 50 feet assuming unshielded conditions. At the property line nearest the receiver to the north, exterior noise levels generated during bottling would be steady at about 51 dBA L₅₀. At the property line nearest the receiver to the south, exterior noise levels would be about 54 dBA L₅₀. Bottling noise levels would exceed the adjusted daytime NE-2 noise level limit for sounds occurring 30 minutes or more in any one-hour period (L₅₀ noise limit) by 1 to 2 dBA. Table 3 summarizes the assessment of seasonal production related noise resulting from the project.

TABLE 3: Seasonal Production L₅₀ Noise Levels

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₅₀ , dBA (Noise Level Exceeded 30 Minutes or more in any Hour)	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	50	52
L₅₀ Noise Levels	Residence 1	Residence 2
Crushing	47	50
Bottling	51	54
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	50	52
Seasonal Production Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	50	52
Crushing Noise Exceeds Adjusted NE-2?	No	No
Bottling Noise Exceeds Adjusted NE-2?	Yes (+1 dBA)	Yes (+2 dBA)

Seasonal Production Related Noise Mitigation

Draft Condition 44 states, “For winery operations nighttime truck deliveries are not allowed between 10 PM and 7 AM. The mobile bottling truck shall be parked behind the winery building with the rear of the bottling truck oriented to the west away from sensitive receptors (neighboring residences). Outdoor crush or bottling activities shall only occur during the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). During bottling activity, the rear of the bottling truck shall be oriented to the west, away from the nearest residence to the east. Trucks for winery operations shall only use the south driveway. No winery truck traffic is allowed on site with trailers or semi-trailers with kingpin to rear axle lengths exceeding 38 feet.”

The implementation of Draft Condition 44 would reduce bottling noise levels below the NE-2 thresholds at Residence 1 and Residence 2. As a result, no new or substantially different noise impacts are expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of

Traci Tesconi
March 13, 2015
Page 5

approval are required for the project to comply with the noise standards established in the Sonoma County General Plan 2020 Noise Element.



We trust that this information meets your needs. If you have any questions or needs for additional information, please do not hesitate to contact us.

(06-068)

Memo

Date: February 5, 2015
To: Traci Tesconi, Planner III
Sonoma County Permit and Resource Management Department
From: Michael Thill, Principal Consultant
Illingworth & Rodkin, Inc.
Subject: Hales Winery, Sonoma County, CA (PLP05-0062) –

This memo has been prepared at your request to address any new or substantially different noise impacts resulting from the slight shift in location of the front parking area at the Hales Winery site. Based on our review of the site plan dated February, 4, 2015, we understand that the front parking area has been shifted slightly southward, to a position approximately 140 to 150 feet from the residential property lines that border the site to the north and south, respectively.

The slight shift in the location of the front parking lot away from the residential receptor to the north would be expected to result in noise levels below those predicted in our original noise assessment because of the additional distance separating the noise source from the residential property line. Parking lot noise levels would be expected to increase by about 4 dBA above the noise levels predicted in our original noise assessment and range from 38 to 48 dBA at a distance of 150 feet. However, predicted parking lot noise levels would continue to remain below the daytime (60 dBA) and nighttime (55 dBA) noise level limits at the nearest residential property line to the south. No new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval would be required.

We trust that this information meets your needs. If you have any questions or needs for additional information, please do not hesitate to contact us.

(06-068)



CARLE, MACKIE, POWER & ROSS LLP
ATTORNEYS

March 10, 2015

Shawn Montoya, Chair
Members of the Board
SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS
Sonoma County Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: PLP 05-0062; 4304 Dry Creek Road, Healdsburg, CA;
APN 090-200-008

Dear Chair Montoya and Members of the BZA:

This firm represents Kenneth and Diane Wilson, applicants in the above-referenced use permit and design review application. As a result of the February 19, 2015, hearing, County staff and the applicants have been discussing amendments to the proposed conditions of approval and to the Mitigated Negative Declaration. These have focused on traffic, parking and further limiting events at the site.

We believe the staff and applicants have agreed on the increased parking and traffic controls and elimination of weddings, creek protections and certain additional operational rules for events.

The applicants have requested twenty (20) days for events at the site, of which twelve (12) days would be for agricultural promotion events and eight (8) days would be occupied with four (4) wine industry events. County staff is now proposing limiting the "industry events" to four (4) days, two (2) events.

We object to this limitation. We think it is unjustified and inequitably applied to the applicants. We can see no basis for singling out these applicants for this restriction. As you must be aware, many other wineries are not restricted in the number of "industry events" they may host or they are permitted more than proposed by staff for the subject winery. Even recently issued use permits for nearby wineries, such as Seifrick, Comstock and Silver Oak, do not have the same degree of limitation as proposed here.

EXHIBIT O

CMPR

CARLE, MACKIE, POWER & ROSS LLP

Shawn Montoya, Chair
Members of the Board
SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS
March 10, 2015
Page 2

We urge you to review your policies and practices and apply these consistently, fairly and equitably to this application.

We look forward to concluding your review at the April 16 meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JGM', with a long horizontal flourish extending to the right.

John G. Mackie

JGM/hd

cc: Traci Tesconi (traci.tesconi@sonoma-county.org)
Kenneth Wilson
Rob Izzo, Ph.D.



CARLE, MACKIE, POWER & ROSS LLP
ATTORNEYS

March 12, 2015

Shawn Montoya, Chair
Members of the Board
SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS
Sonoma County Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: PLP 05-0062; 4304 Dry Creek Road, Healdsburg, CA;
APN 090-200-008

Dear Chair Montoya and Members of the BZA:

This firm represents Kenneth and Diane Wilson, applicants in the above-referenced use permit and design review application. I sent you a letter dated March 10, 2015, that needs to be corrected.

I am reminded that Members of the BZA, and not the County staff, have been proponents of the reduction in permitted event days. As you know, going into the last BZA hearing, the application requested 24 event days: 12 for agricultural promotion, 8 industry event days, 2 weddings, and 2 community benefit dinners (i.e., scholarship events). You, the members of the BZA, requested that staff and the applicants meet to consider certain changes. Reduction in events is one of the conditions that is proposed to be changed. To some extent the applicants are amenable. Our objection, however, remains as to the extent of the requested reductions.

Very truly yours,

John G. Mackie

JGM/hd

cc: Traci Tesconi (traci.tesconi@sonoma-county.org)
Kenneth Wilson
Rob Izzo, Ph.D.

DRAFT
Proposed Water Conservation Plan

For

PLP05-0062

Hale's Winery
4304 Dry Creek Road
Healdsburg, California
APN 090-200-008

October 28, 2015

Prepared by:

Thomas J. Billeter, P.E.
Exp: 9/30/2017

EXHIBIT P

Table of Contents

Page 3	Introduction
Page 4	Anticipated Water Use
Page 5	Proposed Water Conservation Measures
Page 6	Comparison of Water Use
Page 6	Conclusion

DRAFT

Introduction

This report provides an analysis of water use and water conservation for the proposed Hale's Winery with a 25,000 case wine production, County of Sonoma file number PLP05-0062. The proposed winery is located at 4304 Dry Creek Road in Healdsburg, APN 090-200-008, and has a total approximate area of 40 acres.

On April 16, 2015, the Board of Zoning Adjustment approved a use permit reactivation request under the Economic Stimulus Ordinance (Ordinance No. 5929) for the previously approved use permit and design review which was approved by PRMD on June 15, 2007.

The County of Sonoma conditions of approval and mitigation monitoring program for this project, dated October 13, 2015, contains required actions of the property owner prior to commencing the winery use. Condition No. 83 requires the following:

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 use.

This report is intended to satisfy a portion of Condition No. 83.

Anticipated Water Use

The Hale's Winery as designed will generate new water demand that consists of three categories, they include:

- Tasting room and winery bathroom water use
- Wine production water use
- Landscape irrigation water use

Tasting room and winery bathroom water use is determined from waste water calculations and is estimated at a maximum demand of 1,135 gallons per day, or 399,520 gallons per year.

Wine production water use is determined from waste water calculations and is estimated at a maximum demand of 2,000 gallons per day for a 45 day harvest period, or 90,000 gallons per year.

A final landscape design plan is forthcoming; however, landscape irrigation water use is assumed at 0.75 gallons of water per day per plant, tree, or shrub. The proposed landscape plan is assumed to have 150 plants, trees, or shrubs. Landscape irrigation water use is estimated at 112.5 gallons per day, or 41,062 gallons per year.

The total assumed water use for the Hale's Winery project is 530,582 gallons per year, or an average of 1,454 gallons per day.

Proposed Water Conservation Measures

- **Rainwater Harvesting**

Rainwater harvesting is the practice of collecting, storing, and using rainwater from impervious surfaces, such as roofs, to be used for future applications including landscape irrigation. The Hale's Winery proposes to collect and store rainwater for irrigation use. Rainwater shall be collected and stored in a 2,500 gallon polyethylene storage tank(s) which will be located at the west side of the winery building.

- **Low Irrigation Landscaping**

To avoid wasting water by over irrigating landscape, the Hale's Winery intends to use low irrigation landscaping. The proposed landscaping intends to utilize mostly native and drought tolerant plants and vegetation. The use of native and drought tolerant plants can greatly reduce the amount of water and frequency of watering necessary to sustain the plants. The final landscape plan will comply with the County Water Efficient Landscape Ordinance to obtain a landscape permit for new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Additionally, the winery plans have been modified to minimize the amount of proposed lawn areas. Final landscape plans with planned low irrigation plant types and locations are forthcoming.

- **Low-Flow Water Fixtures**

Low-flow water fixtures are to be installed in the proposed tasting room and winery bathrooms to reduce water usage. Low-flow water fixtures include toilets, urinals, and faucets. Per the approved septic plans, low-flow water fixtures are proposed for the Hale's Winery to minimize water usage.

Comparison of Water Use

The site currently has no residential structures. Based on our experience, the estimated water use for a single family dwelling and a farm family dwelling, each with 6 bedrooms, is 1,800 gallons per day or 633,600 gallons per year.

The Hale's Winery as designed has two leach fields, one for domestic wastewater and one for process wastewater. Per the septic calculations, maximum domestic water demand is 1,135 gallons per day or 399,520 gallons per year. Maximum process water demand is 2,000 gallons per day during a 45 day harvest period or 90,000 gallons per year. Total estimated water use for Hale's Winery is 489,520 gallons per year.

Conclusion

Considering the water use that would be drawn from the groundwater aquifer for a realistic residential development on the property, and compared with the water use of the proposed winery, from the stand point of water conservation, the winery and agricultural use would be less impactful to water resources than a residential development. Every effort should be made by the owners and winery staff to conserve water during operation of the facilities.



October 28, 2014

Mr. Ken Wilson
428 Matheson Street
Healdsburg, CA 95448

Whitlock & Weinberger
Transportation, Inc.
490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401
voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

Revised Focused Traffic Impact Study for Hale Vineyard Winery

Dear Mr. Wilson;

Whitlock & Weinberger Transportation, Inc. (W-Trans) has updated our analysis of the potential traffic impacts that would be associated with the proposed development of a new winery at 4304 Dry Creek Road in the County of Sonoma. While the potential need for a left-turn lane as well as to evaluate the likely trip generation of the proposed project are essentially unchanged from the information initially reported in 2006, this portion of the analysis as well as the safety review have been updated as requested by County staff. The traffic study was completed in accordance with the Traffic Study Guidelines established by the County of Sonoma.

Study Area

The study area consisted of Dry Creek Road fronting the winery site, and the project driveway providing access to the existing wine storage building and the 35-acre vineyard. Dry Creek Road is a 2-lane secondary arterial road, as defined in the Sonoma County General Plan. The proposed project would take access from the existing driveway located on the west side of Dry Creek Road approximately 1,500 feet south of Norris Road and three-quarters of a mile north of Lambert Bridge Road. In the vicinity of the proposed project the posted speed limit on the Dry Creek Road is 50 miles per hour (mph). Based on counts collected by the County on August 25, 2011, near the existing driveway on the project site, Dry Creek Road carries approximately 3,000 vehicles per day.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that might be exacerbated by the addition of project-generated traffic. Collision records obtained through the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) report were examined for June 2006 to May 2011. For the five-year period reviewed, there were six collisions on Dry Creek Road within one-half mile in either direction from the existing driveway to the project site, translating to a collision rate of 1.10 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average collision rate for a two-lane rural road with a speed limit of less than 55 mph, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 1.07 c/mvm. The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, so the records were reviewed in greater detail. Of the six collisions, three were single vehicle collisions with improper turning described as the primary collision factor. Only one collision involved vehicles turning into or out of a driveway, and none involved intoxicated drivers. Based on the review performed, the project is not expected to have a perceptible impact on safety conditions in the area.

Project Trip Generation

The proposed project consists of the addition of a new winery producing 25,000 cases annually at 4204 Dry Creek Road.

For purposes of estimating the number of new trips that proposed projects can be expected to generate, *Trip Generation Manual*, 9th Edition, Institute of Transportation Engineers, 2012, is typically used. Since this publication does not contain information for wineries, Sonoma County's Winery Trip Generation form was used to determine the potential trip generation for the proposed project. A copy of the Winery Trip Generation form for the proposed project is enclosed.

It is anticipated that the proposed new winery including the tasting room would have a total of five employees, each generating an average of three trips per day. Truck traffic associated with winery operations is expected to consist of less than one trip per day, on average. An average of 38 visitors per day is expected for tasting, generating 30 trips daily assuming average vehicle occupancy of 2.5 visitors per vehicle. As shown in Table I, the proposed project is expected to generate an average of 50 vehicle trips per day.

Table I
Trip Generation Summary

Trip Type	Average Daily Trips		
	Unit	Rate	Trips
Employees	5	3.0	15
Tasting Visitors	38	0.8	30
Tasting Room Employees	1	3.0	3
Trucks	1	2.0	2
Total			50

Special Events

The project application includes provisions for 26 special events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events on eight days. It is assumed that a maximum sized 100-person event would require a staff of six. Using an occupancy of 2.5 vehicles per guests and solo occupancy for staff, a maximum sized event would be expected to generate 92 trip ends at the driveway, including 46 inbound trips at the start of the event and 46 outbound trips upon its conclusion.

Sight Distance

Sight distance from the proposed driveway on Dry Creek Road at the project location was evaluated based on sight distance criteria contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). Based on guidance provided from AASHTO, for the posted speed limit on Dry Creek Road of 50 mph, a driver waiting to turn right onto a two-lane highway needs stopping sight distance of at least 425 feet, while 555 feet is needed to make a left turn. From the location of the existing driveway the sight distance to the south is more than 600 feet, while 500 feet is available to the north. Since drivers turning right need

only see vehicles coming from the left, or north, the available 500 feet is more than adequate. Similarly, for left turns drivers need to see vehicles oncoming from the south, and the 600 feet of available sight distance is more than the 555 feet needed.

The sight distance was also evaluated for vehicles traveling northbound on Dry Creek Road approaching another vehicle waiting on Dry Creek Road to make a left turn into the existing project access driveway. The stopping sight distance criteria of 425 feet would also apply to this situation, with sight lines measured between the oncoming vehicle and the queued vehicle. Sight distance along the northbound travel lane is approximately 550 feet, which exceeds the minimum sight distance required. The sight distance looking to the north for a queued vehicle stopped in the northbound travel lane waiting to make a left-turn into the existing project access driveway was also evaluated and determined to be adequate as more than 500 feet of sight distance is available. It is recommended that vegetation within all of the above mentioned sight lines be periodically trimmed to maintain adequate sight distance.

Left-Turn Lane Warrant

The need for left-turn channelization in the form of a left-turn pocket on Dry Creek Road was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans *Highway Design Manual*.

For this analysis it was conservatively assumed that all project related traffic would access the site via northbound left turns, as this condition represents the greatest potential need for a left-turn pocket. Although special events would not typically start during a peak hour, to evaluate worst case conditions, inbound trips to a maximum-sized event were used along with volumes during the peak hour. Even using this conservative approach a left-turn lane is not warranted.

A sensitivity analysis was conducted to determine at what point a left-turn lane would be warranted. Based on weekend midday peak hour volumes, there would need to be about 203 vehicles turning left from Dry Creek Road to the proposed project during a single hour before a left-turn pocket would be warranted.

Based on the evaluation performed as well as the lack of left-turn pockets for the majority of wineries on Dry Creek Road, a left-turn pocket is not recommended. A copy of the Left Turn Lane Warrant spreadsheet is enclosed.

Conclusions

- The proposed winery is expected to generate an average of 50 new daily trips.
- A left-turn pocket is not warranted on Dry Creek Road at the existing access driveway with the addition of the project, even under conservative assumptions.
- Based on County standards sight distance at the location of the existing driveway is acceptable in both directions as well as for vehicles traveling on Dry Creek Road.

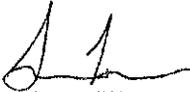
Mr. Ken Wilson

Page 4

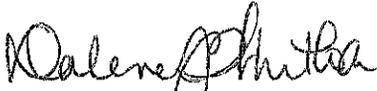
October 28, 2014

Thank you for giving W-Trans the opportunity to provide these services. If you have any further questions, please call.

Sincerely,



Sam Lam, PE
Transportation Engineer



Dalene J. Whitlock, PE, PTOE
Principal



DJW/stl/SOX249.L2

Enclosures: Segment Collision Rate Calculation Spreadsheet
Sonoma County Winery Trip Generation Form
Sonoma County Winery Event Matrix
Left-Turn Lane Warrant Analysis

SEGMENT COLLISION RATE CALCULATIONS

County of Sonoma

Location: 1.5 mi north to 1.5 mi south of 4304 Dry Creek Road

Date of Count: Thursday, August 25, 2011
ADT: 3,000

Number of Collisions: 6
Number of Injuries: 3
Number of Fatalities: 0
Start Date: June 1, 2006
End Date: May 31, 2011
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: <=55
Terrain: Flat

Segment Length: 1.0 miles
Direction: North/South

NUMBER OF COLLISIONS x 1 MILLION

ADT x 365 DAYS PER YEAR x SEGMENT LENGTH x NUMBER OF YEARS

$$\frac{6}{3,000 \times 365 \times 1 \times 5} \times 1,000,000$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.10 c/mvm	0.0%	50.0%
Statewide Average*	1.07 c/mvm	2.4%	38.0%

ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2009 Collision Data on California State Highways, Caltrans

Winery Trip Generation

Winery: **Hale Winery**
 Location: **4304 Dry Creek Road, Healdsburg, CA**
 Annual Full Production (cases): **25,000 cases**

WINERY OPERATIONS

WINERY Operations - Employee traffic using passenger vehicles, in average ADT

Item Description	Employees		Trips			
	Existing	Proposed	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production (use 3 ADT / employee)	n/a	1	n/a	3	6	3
Cellar / Storage (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Administrative (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Sales (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Bottling (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Other staff (describe):	n/a	0	n/a	0	0	0
Totals	0	5	0	15	12	15

WINERY Operations - Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 12 Dates of Activity: 8/15 to 10/15	n/a	0.07
Juice Importation Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Juice Exportation: Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Pomace Disposal Truck loads per year: 0 Dates of Activity: - to - Disposed: on site	n/a	0
Bottle Delivery Truck loads per year: 13 Dates of Activity: Aug to Feb	n/a	0.10
Barrel Delivery Truck loads per year: 2 Dates of Activity: 9/1 to 9/30	n/a	0.02
Finished Wine Transportation to storage/sales Truck loads per year: 25 Dates of Activity: 1/1 to 12/31	n/a	0.19
Less Backhauls Truck loads per year: 0 Dates of Activity: 1/1 to 12/31	n/a	0
Miscellaneous trips Truck loads per year: 47 Dates of Activity: 1/1 to 12/31	n/a	1.36
Totals	0.00	1.73

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round (use 3 ADT / employee)	n/a	0	n/a	0
Vineyard Maintenance: Peak Season (use 3 ADT / employee)	n/a	0	n/a	0
Totals	n/a	0	0	0

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors (divide by 2.5 people per vehicle to arrive at ADT)	n/a	38	n/a	30
Tasting Room Employees (use 3 ADT / employee)	n/a	1	n/a	3
Other	n/a		n/a	
Totals	n/a	39	0	33

Months of Operation (attach an explanation of how the operation varies seasonally)	n/a	Year Round
Days of Operation (e.g., 7 days a week; weekends only; etc)	n/a	7 days a week
Hours of Operation - Non-Harvest Season	n/a	8am to 5pm
Hours of Operation - Harvest Season	n/a	8am to 8pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic (please transfer data from attached form)	n/a	8
Other (2 existing mobile homes and wine storage building)	n/a	
Totals	0	8

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Employee Traffic associated with winery operations	n/a	15
Truck Traffic associated with winery operations	n/a	2
Employee Traffic associated with vineyard operations	n/a	0
Tasting Room Traffic (employees and visitors)	n/a	33
Event Traffic (employee and visitors)	n/a	8
Miscellaneous other traffic generators	n/a	0
Totals	0	58

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month:	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Totals	53	40	67	41	53	64	57	67	64	82	59	33

EVENT SCHEDULE

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Weddings

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays												
Saturdays						1	1					
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
# guests / event						100						
# employees / event						6						
# guest vehicles / event						40						
# employees / vehicles						1						

For Sunday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Agricultural Promotional Events

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays												
Saturdays	1	1	1	1	1	1	1	1	1	1	1	1
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Arrival	Departure
# guests / event	80	80
# employees / event	5	5
# guest vehicles / event	32	32
# employees / vehicles	1	1

For Saturday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Charitable Benefits

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thurs)												
Fridays										1	1	
Saturdays												
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Arrival	Departure
# guests / event													80	80
# employees / event													5	5
# guest vehicles / event													32	32
# employees / vehicles													1	1

For Sunday events	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

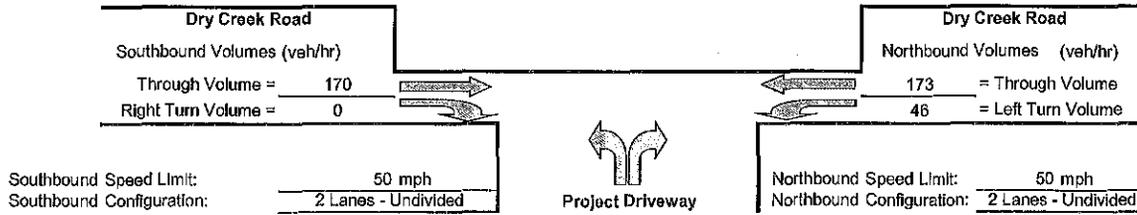
Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Dry Creek Road

Study Scenario: Existing + Project (Weekend Mldday Peak for project, PM Peak for roadway)

Direction of Analysis Street: North/South

Cross Street Intersects: From the West



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

NOT WARRANTED - Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = -

Advancing Volume Va = 170

If $AV < Va$ then warrant is met

Right Turn Lane Warranted: NO

Southbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -

Advancing Volume Va = 170

If $AV < Va$ then warrant is met

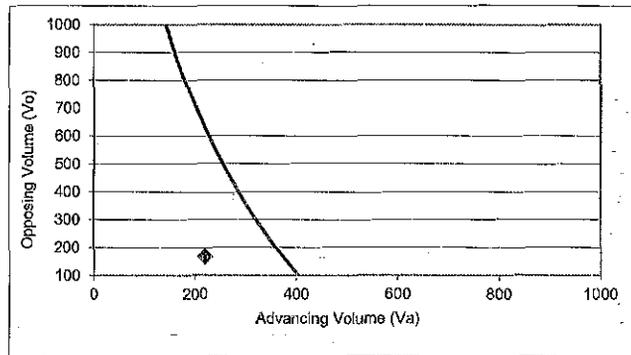
Right Turn Taper Warranted: NO

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt 21.0 %

Advancing Volume Threshold AV 373 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection

Two lane roadway warrant threshold for: 50 mph

Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.

The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.

The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

**Dry Creek Valley Citizens Advisory Council
Regular Meeting Minutes
September 21, 2017
Healdsburg Fire Station Training Room
601 Healdsburg Avenue, Healdsburg CA**

Call to Order

Acting chairperson Ruth Wilson called to order the regular meeting of the Dry Creek Valley Citizens Advisory Council at 6:02 pm.

Roll Call

Present Councilmembers: Vicky Farrow, Jenny Gomez, Mike Tierney, Bill Smith, and Ruth Wilson

Approval of Minutes

There were corrections received via email from Kim Phenicie for the Minutes from 7-21-2017. Secretary Sharon Pillsbury had made those corrections and forwarded these minutes to the council. There were no further corrections to the July 21st minutes.

On a motion by Councilmember Vicky Farrow, seconded by Councilmember Bill Smith, the minutes of the regular Dry Creek Valley Citizens Advisory Council meeting from July 21, 2017, were approved with corrections. The motion carried on a voice vote. (5-0).

Public Comments on Non-Agenda Items - none

Correspondence -

Email from Kim Phenicie with corrections to the 7-21-2017 Minutes as discussed above.
Email support letter for Hale Winery from John Medinger at Zephyr Vineyards at 5825 West Dry Creek Road, Healdsburg.

Councilmember Announcements and Disclosures – Information Only

Councilmember Tierney drove by the property tonight.

Councilmember Farrow stated that she met with property owners and spoke with Dean Parsons at the county.

Councilmember Wilson spoke with Supervisor James Gore, Tracy Tesconi and the applicant.

Councilmember Smith met with the applicant and the Chief Financial Officer on the site.

Councilmember Gomez attended the site visit with Councilmember Farrow.

There were no further announcements or disclosures.

Referrals from Sonoma County PRMD –

File Number: PLP05-0062

Applicant Name: Atterbury & Associates, Inc.

Owner Name: Kenneth C. & Diane M. Wilson

Site Address: 4304 Dry Creek Road, Healdsburg, CA 95448

APN: 090-200-008

Project Description: Request from Permit Sonoma for a second review of the Hale Winery proposal based on the DCVCAC's new guidelines.

Antoine Favarro, gave the presentation for Hale Winery. The property is approximately 44 acres—36 acres planted. Block 1 and 1A near Dry Creek Road—this would be the location for the winery and tasting room and parking.

Tom Billeter, engineer, will speak to exact location on those parcels. Antoine has always sold the grapes—some to Napa, some to North Carolina. He is happy that they will be able to use the grapes on this property in their own winery. Neighbor Sandy Covey is okay with the project, but concerned with privacy. Their other immediate neighbor is Unti Winery. Councilmember Ruth Wilson asked if there is a residency on Unti Property. Antoine replied yes. He explained that an architect, traffic consultant, noise consultant and engineer have all worked on the project. 46 parking spots, 25,000 case winery, approximately 400 tons from property per year. They also buy from neighbors to keep everything local. Their water usage would be 1,334 gallons per day. The maximum would be about 2,000 gallons. Their septic can support an average of 50 wine tasters per day and a maximum of 300 on a peak day. They requested 8 event days for 4 industry wine events: Wine Road, Passport and 12 ag related events (winemaker dinners, picnics, etc.) They will have no outdoor amplified music—indoor music only. No weddings.

Council Discussion:

Councilmember Ruth Wilson stated that she was confused about the process with this application.

John Pilleritti, speaking for the applicant, explained that they were describing what had been approved in April 2015. This decision was under appeal. Hopefully the appeal will now be heard in January. They have made changes to the original plan per request. The BZA requested they remove weddings from their proposal.

Councilmember Bill Smith said that the BZA approved 12 event days with a minimum of 100 guests for 2 of the events and 79 guests for 10 of the events. John explained they were willing to limit to 50 guests for after hours events—it would be rare for them to have after hours events. Bill would like to see 50% of grapes from the estate and 50% from Dry Creek. They would be willing to agree to 50% from Sonoma County.

Councilmember Vicky Farrow suggested asking questions first and not suggesting conditions until the end. Vicky asked about odd shaped parcel. She was concerned about close neighbors—at the north it appears okay, but they are concerned about privacy. John Pilleritti explained that Unti residence had concerns about noise and parking. They have increased parking. Vicky asked about entrance being on shared road with Unti. She asked if Unti has an easement. Ken Wilson explained that their driveway is totally on their property. He was unsure if they had an easement. The Unti residence is occupied full time.

Public Comments

Nancy Beville, 4724 Dry Creek Road. She explained their property is opposite the outdoor entertainment area. The engineer stated plans show layout is unchanged from the original the committee reviewed in 2013. Nancy's concern is about noise travelling up valley and outside amplification. Her second concern is about a passing zone on Dry Creek—asking if a turn lane has been considered.

Dalene Whitlock, traffic engineer that did traffic analysis for the project, explained that a left turn lane is not warranted because volumes of traffic are not that high. Also, the road shoulders are wide enough. Sight lines are good in this area.

Shelli Sullivan, 1090 Lytton Springs Road. She shared that they are neighbors close to Mazzocco Winery and have not had problems with the events or noise.

Laurie Poseman, 1740 Lytton Springs Road. Agreed that winery events in their area have not bothered them and they believe the Wilson's are good neighbors.

Richard Kagel, 7005 Dry Creek Road, and President of the DCVA. Stated that a quick review seems to fit into new guidelines for new proposals. He reminded everyone that permits run with the property. He said they are looking for good neighbors and a healthy community. He encouraged the applicants to consider this. He stated that Dry Creek is a community not a profit center. They are looking for a shared vision.

Virgil Beasley, 768 Chiquita Road. He sells his fruit to Mazzocco. They wanted to have a relationship with a winery, not just a sale. They found a home with Ken's winery at Mazzocco. He echoed Antoine in his concern with sourcing grapes locally and treating folks well.

Discussion

Councilmember Jenny Gomez asked neighbor Nancy Bevill about their distance from the project. Nancy replied they are three vineyards away—approximately ¼ of a mile. Her concern is general noise from the having a large number of people outside.

Councilmember Mike Tierney was originally concerned about the can of worms opened by this project, but upon review he found the applicant had done their homework and the neighbors are pleased.

Councilmember Vicky Farrow stated that they meet all of our new guidelines with the exception of events, and she understands that they have made some changes to the events and would like to see those added as conditions of approval.

Councilmember Bill Smith agrees that the applicant stated events have been reduced to 12 events due to the BZA request. He would also like them to agree to a 50 guest limit for any after hours events.

Councilmember Ruth Wilson restated the event situation—8 events per year, with a limit of 50 people, and no more than one event per month. John Pilleritti clarified that they rarely have more than one event a month, but there is a chance that they would have an event at the beginning of the month and a pick-up party at the end of the month. Ruth restated their assertion that the septic can handle 50 people per day. Outside of regular business hours events should be done by 10 pm. The applicant has agreed to end by 9:30 with people off the property by 10:00 pm. They also agreed to a limit of two winemaker dinners, which are after hours events, per month.

Councilmember Vicky Farrow restated the conditions—they would like the applicant to commit to a percentage of Sonoma County grapes (50% or greater), after-hours events should be limited to 50 people maximum with no more than two per month. The council would like the applicant to include a plan for mitigating neighbor privacy concerns—she stated that there is a landscaping plan that will do this.

Statement of motion:

On a motion from Councilmember Jenny Gomez and a second from Councilmember Farrow, the Dry Creek Citizens Advisory Council moved to recommend to approve PLP05-0062 for Hale Winery at 4304 Dry Creek Road, Healdsburg, with conditions. Conditions are as follows:

- 1) After-hours events should have a maximum of 50 people, and events should be limited to no more than two per month.
- 2) At least 50% of grapes used should be sourced from Sonoma County.
- 3) Proper plans for mitigating neighbor privacy should be included.

The motion carried on a roll call vote (5-0).

Councilmember Bill Smith-aye
Councilmember Ruth Wilson-aye
Councilmember Vicky Farrow-aye
Councilmember Mike Tierney-aye
Councilmember Jenny Gomez-aye

Discussion Items:

Council Chair Ruth Wilson called for an update from Winegrowers and DCVA on numbers for Guidelines Document.

Ann Peterson from Winegrowers shared that a draft had been sent to the DCVA and President, Richard Kagel, would like to present to his board again to finalize the numbers. There had been delays due to vacations and harvest. They had discussed again after Labor Day and approved a draft. The two groups will make a joint recommendation. Progress has been made.

Agenda Items for future meetings

Update from the Winegrowers of Dry Creek Valley and the DCVA guidelines numbers

James Gore will be at our October meeting

Jenny would like to table discussion of her subcommittee assignment pending further input from James.

Adjournment

There being no other Council business to discuss, the meeting was adjourned at 7:04 pm, on a motion by Councilmember Bill Smith, seconded by Councilmember Mike Tierney. The motion carried on a voice vote. (5-0).

Approved Date: _____

Ruth Wilson, Chair:

Dry Creek Valley Citizens Advisory Council

**Guidelines for Use Permits with Visitor
Serving Uses**

Approved April 20, 2017

Committee Members:

Bill Smith
Ruth Wilson
Mike Tierney
Vicky Farrow
Jenny Gomez
Sharon Pillsbury, Secretary

Dry Creek Valley

Guidelines for New Use Permits with Visitor Serving Uses

Section 1. Scope

The purpose of this document is to provide a set of definitions and preferred standards that will be used by the Dry Creek Valley Citizens Advisory Council (DCVCAC) as guidelines for investigating, discussing and considering applications for use permits that include visitor serving uses in agricultural zones in Dry Creek Valley. These guidelines will help to establish clear expectations so applicants and neighbors have a basis for more open dialogue and common understanding. The guidelines are a pilot program to assess the value of setting standards locally and will also help to inform future actions by the Board of Supervisors on winery events.

Section 2. Goals

1. Support agriculture and related agricultural promotion on a scale that best fits the character of Dry Creek Valley.
2. Establish a set of clearly defined guidelines for use by the Dry Creek Valley Citizens Advisory Council in considering use permits that include new visitor serving uses.
3. Communicate the guidelines so applicants, neighbors and County representatives have clear expectations and a basis for open dialogue and understanding.
4. Favorably consider new applications where the overall project is substantially consistent with the guidelines.

Section 3. How to Use this Guidance Document

We recognize that all projects are unique and each will continue to be considered on a case-by-case basis considering the specific aspects of the project, property, location, and planned mitigations.

There are eight categories listed in this document, and for each category, there is associated guidance as to what would be considered appropriate and would contribute to a favorable decision by the DCVCAC. A less than favorable condition in any one category would not necessarily equate to an overall unfavorable decision. In general, the overall combination of more and less favorable conditions will be used by CAC members to evaluate the use permit application.

Section 4. Guidelines

1. Access and Traffic

1. There is access to the parcel on public roadways of at least 18 feet in width.
2. There is adequate ingress and egress to the property, including adequate site distances to the entrance and distance from crossroads and other driveways. The highest volume of expected visitors can enter and exit the property safely without traffic backup on public roadways.

Dry Creek Valley

Guidelines for New Use Permits with Visitor Serving Uses

2. Site

1. The parcel is at least 20 acres.
2. The majority of the usable land is in agriculture, some portion of which is pertinent to the visitor serving uses.
3. There is sufficient water on the parcel to support all new uses without negatively impacting neighboring properties.
4. All parking is on-site. There is no parking along public roadways.
5. Parking plans that utilize road easements have the written agreement of all neighbors that share those easements.
6. Parking in vineyard rows and avenues may be inadequate in wet conditions.

3. Activities and Events

1. All activities and events will promote products grown or processed on the site and will be hosted by the proprietor, with on-site management by the proprietor's staff. The facility will not be rented out for use by a 3rd party and no rental fees will be charged.
2. New use permits will specify limits for each of the categories of Activities and Events listed below. (See Section 6 for Activities and Events Definitions.) Projects that support the guidelines will be viewed as more favorable. The limits for Activities and Events are shown below.

Activities and Events	Guidelines
Public and Direct Sales Activities During regular hours	<ul style="list-style-type: none"> • Limited to the Maximum Persons at One Time set in the use permit • Limited to the hours of 10am – 5pm
Direct Sales Activities Outside of regular hours	<ul style="list-style-type: none"> • 50 visitors at one time, or the Maximum Persons at One Time, whichever is less • Maximum of 12 times a year • Maximum of two per month • Limited to the hours of 8 – 10am or 5 – 10pm
Trade Marketing Activities	<ul style="list-style-type: none"> • Limited to the Maximum Persons at One Time set in the use permit • Limited to the hours of 8am – 10pm
Association Sponsored Events	<ul style="list-style-type: none"> • Up to 15 event days per year • Traffic and parking plans required if Maximum Persons at One Time limits are exceeded • Limited to the hours of 10am – 5pm

Dry Creek Valley

Guidelines for New Use Permits with Visitor Serving Uses

Activities and Events	Guidelines
Winery Events	<ul style="list-style-type: none"> • Up to double the Maximum Persons at One Time set in the use permit • Maximum of 2 days per quarter • Events outside of regular hours limited to 2 event days per year • Limited to the hours of 8am – 10pm

4. Noise Impact

Noise impact is one of the most complex categories in Use Permits with Visitor Serving Uses. We encourage applicants to pay close attention to the Sonoma County General Plan 2020 Noise Element, particularly Policy NE-1c, when crafting their use permit application. Requests for outdoor amplified music, especially after 5pm, will typically require noise studies and mitigation measures and may not be appropriate for some projects.

1. All noise impact conforms to the Sonoma County Noise Standards as set forth in the General Plan.
2. Applicant has noted the distances in each direction from the visitor serving areas to the neighboring residences and indicated noise mitigations, if necessary. Projects with greater than required distances from property lines and existing residences are more favorable.
3. All outdoor amplified music ends by 9pm.

5. Food Service

1. Restaurants are not allowed. There will be no food prepared to order from a menu.
2. Catering and commercial kitchens are acceptable, including such equipment as stoves, wood-fired ovens and barbecues.
3. Wine and food pairing is allowed between the hours of 10am and 5pm, especially when it showcases site or locally grown foods.
4. Sale of pre-packaged foods is allowed.
5. All food service requires appropriate health permits.

6. Facilities

1. Projects with facilities and production less than or equal to the following limits will be viewed favorably
 - Visitor serving areas: X square feet under roof
 - Production facilities: Y square feet under roof
 - Production (for wineries): Z cases per year

Dry Creek Valley

Guidelines for New Use Permits with Visitor Serving Uses

2. Facilities are sited to minimize visual impact. Projects with buildings and landscaping that are of an appropriate scale to the area will be considered favorably.
3. Nighttime lighting levels are at the minimum necessary to provide for security and safety of the use and users. Exterior lighting that minimizes glare and spillover onto neighboring parcels will be considered favorably.
4. Marketing accommodations for private guests are allowed, provided that the use promotes or markets agricultural products grown or processed on the site, the scale of the use is appropriate to the production and/or processing use and no commercial use of private guest accommodations is allowed (i.e. rental fees are not charged).

7. Production

New wineries that use at least X% of grapes from Sonoma County and at least Y% of grapes from Dry Creek Valley will be viewed favorably.

8. Concentration

Different areas within the Dry Creek Valley are distinct in terms of concentration of residents, wineries and other developed uses, so it is difficult to establish specific limits. Requests for new use permits that take density into consideration and seek to reduce the impact on nearby existing wineries or residences will be viewed more favorably. Such factors as the proximity to other wineries, residences and intersections will be considered. In general, projects that are not clustered around existing developed uses or are closer to major highways will be viewed as more favorable.

Section 5. Suggested Best Practices

The applicant has met or offered to meet at least once with neighbors to describe and hear reactions to their plans.

1. This includes all neighbors who are likely to be impacted by the project.
2. Best practice suggests that multiple meetings over the course of the planning process are most effective, with one meeting very early in the project before plans are developed in detail.

Section 6. Definitions

A. Maximum Persons at One Time

The Maximum Persons at One Time is defined as the total visitors on the site at one time that can be accommodated by:

1. The septic system
2. On-site parking as follows:
 - a. 1 space for each employee

Dry Creek Valley

Guidelines for New Use Permits with Visitor Serving Uses

- b. 1 space for every 2.5 visitors
3. Building occupancy levels as authorized by the Fire Department

B. Activities

4. **Public Sales Activities** are defined as wine tasting, tours, wine and food educational pairings, seminars and other hospitality related activities supporting the promotion of wine sales that are open to the public.
 - a. Will not exceed the Maximum Persons at One Time limit established in the application.
 - b. Do not require an invitation.
 - c. A fee may be charged.
 - d. May be advertised to the public.
5. **Direct Sales Activities** are defined as by-invitation activities such as winemaker lunches or dinners, release days or pickup parties designed to promote the sale of agricultural products.
 - a. Will not exceed the Maximum Persons at One Time limit established in the application.
 - b. A fee may be charged.
 - c. Invitations may be issued using such methods as mail, email, websites or social media.
6. **Trade Marketing Activities** are defined as by-invitation activities for staff, trade or distribution partners.
 - a. Will not exceed the Maximum Persons at One Time limit established in the application.
 - b. Are not advertised to the public.

C. Events

1. **Association Sponsored Events** are defined as events sponsored by a recognized organization to promote wine sales and tourism, conducted across multiple sites within a specified geographic area.
 - a. Meet the requirements and follow the best practices of the association sponsoring the event.
 - b. Have adequate mitigation plans for septic and parking if they exceed the Maximum Persons at One Time limit.
 - c. Parking along public roadways is not allowed.
2. **Winery Events** are those events that are expected to exceed the Maximum Persons at One Time limit.
 - a. Invitations may be issued (using such methods as mail, email, websites or social media).
 - b. Must be explicitly requested in the use permit specifying the number of events annually and the maximum size of each event.

Dry Creek Valley

Guidelines for New Use Permits with Visitor Serving Uses

- c. Require adequate mitigation plans for septic and parking if the visitors expected exceed the Maximum Persons at One Time limit. Parking along public roadways is not allowed.

Memo

Date: September 27, 2018
To: Traci Tesconi, Project Review Division Manager
Sonoma County Permit and Resource Management Department
From: Michael Thill, Principal Consultant
Illingworth & Rodkin, Inc.
Subject: Hales Winery, Sonoma County, CA (PLP05-0062) --

Illingworth & Rodkin, Inc. prepared an environmental noise assessment for the Hales Winery project in 2006. In 2014, a separate noise assessment was prepared by our firm to evaluate noise from special events. Finally, a memo was prepared by our firm in 2015 to address minor modifications proposed by the project and to confirm that there were no new or substantially different noise impacts as compared to those previously evaluated in prior documents. Since 2015, there have been no changes to the project that would result in new or substantially different noise impacts.

This memo responds to comments provided by Mr. Andrew L. Dieden, Esq. in a letter to Supervisor Gore dated September 15, 2016.

Andrew L. Dieden, Esq. Comments Regarding Noise Study, September 15, 2016.

Comment 8. Mr. Dieden's comment reads: "Based on peer reviews by Vibro-Acoustic Consultants and Transpedia Consulting Engineers, Appellants can easily prove the project *may have* (the legal standard of review) a significant adverse impact on the environment."

Response: Sonoma County PRMD confirmed that Vibro-Acoustics has not submitted a peer review for the project file as of September 27, 2018. With the implementation of mitigation measures, project conditions of approval, and project modifications, the project was determined to have a less-than-significant impact on the environment.

Comment 9. Mr. Dieden's comment reads: Wilson's noise report is not based on "any hour" as required by the Noise Element.

Response: As described in the 2006 environmental noise assessment and subsequent report updates and memos, the Sonoma County NE-2 Noise Table noise limits were used in the assessment of noise levels produced by the project. The Sonoma County NE-2 Noise Table noise limits are in terms of the sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour. The Sonoma County NE-2 Noise Table noise limits were applied to all project activities proposed to occur during any hour of the day or night.

Comment 10. Mr. Dieden's comment reads: Wilson's noise report does not consider cumulative noise sources as required by the Noise Element.

Response: The only reference in the Noise Element that relates to cumulative noise impacts is contained in Policy NE-1c (4). "For short term noise sources which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area." This project does not propose events requiring a noise management plan.

The other possible meaning of "cumulative noise sources" may be the additive effect of various noise sources at the winery. Based on our experience with wineries, crushing and bottling activities are seasonal in nature and these activities do not overlap. Because of the level of activity required for crushing or bottling, special events are also not scheduled during overlapping time periods. The only noise source that could potentially accumulate with crushing or bottling noise would be noise produced by mechanical equipment. The noise levels produced by mechanical equipment have been conditioned to comply with the most restrictive nighttime noise limit established by the Sonoma County NE-2 Noise Table. Crushing and bottling has been conditioned to only occur during daytime hours, and the addition of noise from project mechanical equipment would yield combined noise levels that would meet the daytime noise limits.

Comment 11. Mr. Dieden's comment reads: Wilson's noise distance measurements are incorrect.

Response: The distance between the noise source and sensitive receptor location was measured following a straight-line path from the noise source in question to the property line of the sensitive use, at a point near the outdoor activity areas of the dwelling unit. Vineyards occupy the remainder of the adjoining properties containing residences and were not considered to be noise-sensitive areas that would benefit from a lowered noise level.

Comment 12. Mr. Dieden's comment reads: Wilson failed to consider noise levels at the property lines.

Response: See response to Comment 11.

Comment 13. Mr. Dieden's comment reads: Wilson did not address noise from driveway, mechanical/refrigeration equipment, or maintenance/forklift activities.

Response: This is incorrect. Driveway and parking lot noise was evaluated in the 2006 noise assessment. An update to the parking lot noise assessment was made in 2015 to account for the expanded parking areas. The findings reached in 2006 required a prohibition of truck traffic along the project driveway between the hours of 10 PM and 7 AM to meet the Sonoma County NE-2 Noise Table noise limits.

Noise produced by mechanical equipment was also assessed in 2006. At that time, the analysis assumed that the project would likely include noise-generating mechanical equipment such as air-cooled condensing units, pumps, and compressors as well as less significant sources of noise, such as air-conditioning systems and exhaust fans. The specifics regarding mechanical equipment, such as unit type, size, capacity, location, etc., were not available. The analysis identified mechanical equipment as a noise source requiring mitigation, and established a noise performance standard, to ensure that the Sonoma County NE-2 Noise Table noise limits were not exceeded at the property lines of the nearby sensitive residential uses. Condition 29 requires that, "Prior to building permit issuance, the final design and location of the noise-generating mechanical equipment shall be reviewed and cleared by a professional sound consultant to ensure compliance with the Sonoma County NE-2 Noise Table in Condition #42. A letter from the professional sound consultant shall be included with the Building permit application for the winery building and a copy provided to the Project Review Environmental Health Specialist and Project Planner."

The 2006 noise assessment also discussed noise produced by forklifts during seasonal production activities. In this analysis, forklifts were assumed to operate on the crush pad within direct line-of-sight of noise sensitive residences located to the north and south. Infrequent noise due to maintenance/forklift operations, which would occur on the southwest side of the winery building, would produce noise levels less than that of the seasonal production related noise and would be insignificant as these activities would be shielded from the view of residences by the building itself.



We trust that this information meets your needs. If you have any questions or needs for additional information, please do not hesitate to contact us.

(06-068)



September 28, 2018

Mr. Ken Wilson
Wilson Winery
P.O. Box 1610
Healdsburg, CA 95448

Response to Comments on the Hale Vineyard Winery

Dear Mr. Wilson;

As requested by County staff, we have reviewed the adequacy of the data used for our analysis of the Hale Vineyard Winery, as presented in the *Traffic Impact Study for the Hale Vineyard Winery*, February 5, 2015. Additionally, comments as contained in a letter from Andrew L. Dieden dated September 15, 2016, were reviewed and additional information is provided below.

As an initial matter, a concern was also raised regarding the use of volumes from 2014 for the analysis. Staff at Sonoma County was contacted to obtain the most recent count data available. While they did not have anything more current than 2014 near the project location, volumes obtained near US 101 show that the daily volume increased by less than 3 percent between 2012 and 2017 (the count on June 25, 2012 was 5,315 and the volume increased to 5,465 by August 1, 2017). Given that the volume fluctuation between 2012 and 2017 near US 101, where the highest increase would be anticipated, was so nominal, it is reasonable to conclude that the analysis based on 2014 volumes provides an adequate assessment of potential traffic impacts.

It is noted that the traffic comments in Mr. Dieden's letter appear to reflect opinions from Transpedia Consulting Engineers; however, staff was not in possession of the peer review prepared by Transpedia. The traffic-related comments are provided with the numbering system from the comment letter and shown in *italics*, followed by our responses. As noted in the responses, limited information is provided to most of the comments due to a lack of specificity regarding the issue without the Transpedia report.

14. The traffic collision rate analysis is incorrect.

Although there is no guidance as to why the collision rate was perceived to be incorrect, the analysis was updated to reflect the most current data available. For the five-year period that ended on July 31, 2018, there was one collision reported on the one-mile segment centered at the project driveway location. This translates to a collision rate of 0.18 collisions per million vehicle miles, which is about 20 percent of the Statewide average for similar facilities of 0.93 collisions per million vehicle miles. The current collision rate indicates a lack of a safety concern on the road segment serving the project driveway. A copy of the updated collision rate calculation is enclosed.

15. The traffic study underestimates winery trip generation.

The estimate of trip generation was prepared based on the information available and the methodology set by the County at the time of the analysis.

16. The County's Guidelines require a full traffic study, not a focused study.

A full traffic analysis was completed. Dated February 5, 2015, it was available prior to the time when this comment letter was issued.

17. The Level of Service analysis contain improper sight-line analysis, improper left-turn analysis, incorrect parking demand, and no intersection level of service analysis.

The traffic study was performed using the criteria and standards defined by the County, including the sight distance standards set forth in Drawing No. 812, which identifies the standard for measuring sight distance on rural County roads at driveways and private road intersections (copy enclosed). Further, it was reviewed by County staff and their comments were addressed prior to the report being finalized. Because there are no critical County intersections near the project site, no operational analysis of intersections was performed. The more critical operational issue for this area is the operation of Dry Creek Road, and it was determined that the roadway would continue to operate acceptably at LOS C upon adding project-generated trips to the road.

We hope this information is of use to the County. Please feel free to contact me if there are any questions regarding this information or our conclusions. Thank you for giving us the opportunity to provide these services.

Sincerely,



Dalene J. Whitlock, PE, PTOE
Principal

DJW/djw/SOX249.R2C



Enclosures: Collision Rate Calculation; County Standard Drawing No. 812

SEGMENT COLLISION RATE CALCULATIONS

County of Sonoma

Location: Within one-half mile of 4304 Dry Creek Road

Date of Count: Monday, August 11, 2014
ADT: 3,000

Number of Collisions: 1
Number of Injuries: 0
Number of Fatalities: 0
Start Date: August 1, 2013
End Date: July 31, 2018
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: ≤55
Terrain: Flat

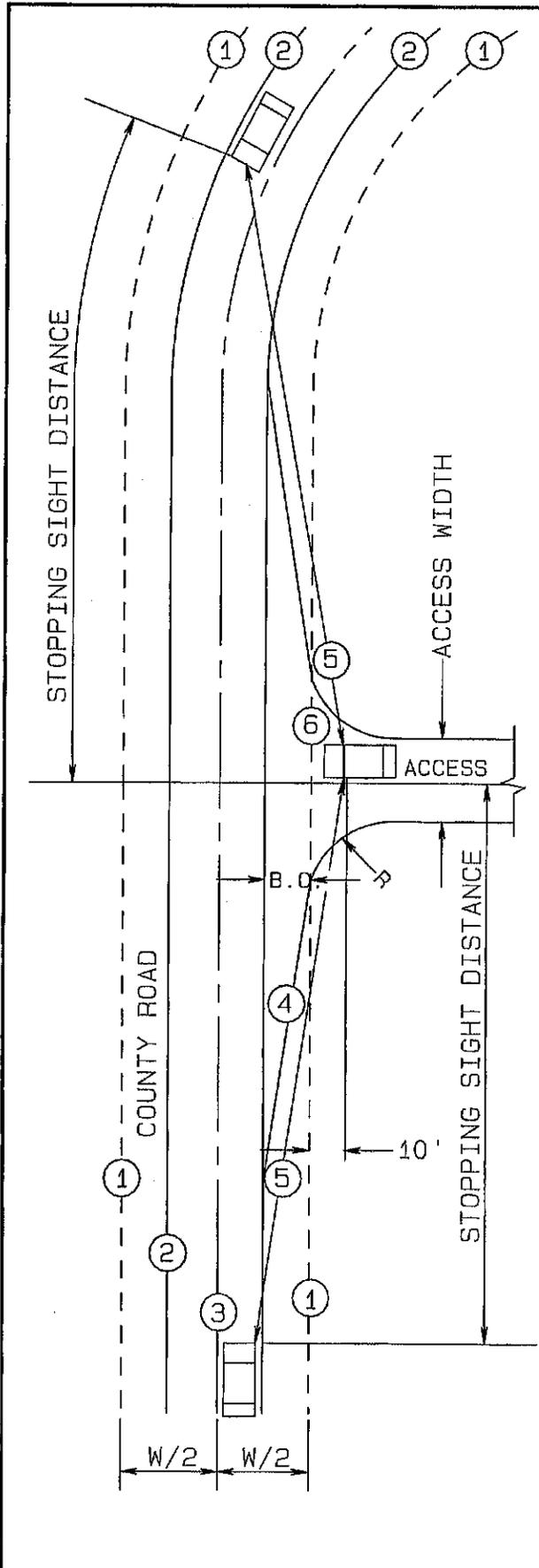
Segment Length: 1.0 miles
Direction: North/South

$$\frac{\text{Number of Collisions} \times 1 \text{ Million}}{\text{ADT} \times 365 \text{ Days per Year} \times \text{Segment Length} \times \text{Number of Years}}$$

$$\frac{1 \times 1,000,000}{3,000 \times 365 \times 1 \times 5}$$

	<u>Collision Rate</u>		<u>Fatality Rate</u>		<u>Injury Rate</u>	
Study Segment	0.18	c/mvm	0.0%		0.0%	
Statewide Average*	0.93	c/mvm	2.4%		40.1%	

ADT = average daily traffic volume
 c/mvm = collisions per million vehicle miles
 * 2013 Collision Data on California State Highways, Caltrans



- ① = ULTIMATE EDGE OF PAVEMENT AS DEFINED BY THE SONOMA COUNTY GENERAL PLAN.
(W/2=ULTIMATE HALF WIDTH OF ROAD)
- ② = EXISTING EDGE OF PAVEMENT.
- ③ = CENTERLINE OF ROAD.
- ④ = TAPER 10: 1 FROM EXISTING EDGE OF PAVEMENT TO BEGINNING OF ACCESS CURVE (B.C.) AT THE INTERSECTION OF THE ULTIMATE EDGE OF PAVEMENT OR MINIMUM NEW PAVEMENT DESCRIBED BELOW.
FOR VERY LOW VOLUME COUNTY ROADS (LESS THAN 400 ADT), A 4: 1 TAPER CAN BE USED IF SIGHT DISTANCE REQUIREMENTS ARE ADEQUATE.
- ⑤ =SIGHT LINE: UNOBSTRUCTED VIEW FROM A POINT 10 FT. BEHIND ULTIMATE EDGE OF PAVEMENT AND 3.5 FT. ABOVE FINISHED SURFACE THROUGH THE STOPPING SIGHT DISTANCE.
- ⑥ =PROJECTION OF ULTIMATE EDGE OF PAVEMENT ACROSS ACCESS.
R=RADIUS OF CURVE CONNECTING ACCESS ROAD WITH COUNTY ROAD
R=48' MIN. FOR COMMERCIAL DRIVEWAY WITH 8' MIN. NEW PAVEMENT AT B.C. IF NO ULTIMATE E.P. IS DESIGNATED BY GENERAL PLAN.
R=25' MIN FOR PRIVATE RD. AND PRIVATE DWY. (DWY. CAN BE LESS WITH APPROVED EXCEPTION FROM SONOMA COUNTY DEPT. OF FIRE SERVICES) WITH 6' MIN. NEW PAVEMENT AT B.C. IF NO ULTIMATE E.P. IS DESIGNATED BY GENERAL PLAN.

SIGHT DISTANCE STANDARDS	
TABLE 201.1 CALTRANS DESIGN MANUAL	
DESIGN SPEED (mph)	STOPPING (ft)
20	125
25	150
30	200
35	250
40	300
45	360
50	430
55	500

**COUNTY OF SONOMA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC WORKS**

**RURAL COUNTY ROAD
DRIVEWAY AND PRIVATE
ROAD INTERSECTIONS**

DATE: JUN. 2005	REVISED: SEPT. 2005	
APPROVED BY:	SCALE: NONE	DRAWING NO. 812



Revised Mitigated Negative Declaration

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

State Clearinghouse: November 10, 2014
Project deemed complete: October 10, 2014
Posting date: November 10, 2014
Adoption Date: March 15, 2016

Revision Date: September 3, 2018

This statement and attachments constitute the **Revised Mitigated Negative Declaration** as proposed for or adopted by the Sonoma County decision-making body for the project described below.

File No.: PLP05-0062

Project Planner: Traci Tesconi

Project Name: Hale Winery

Property Owner: Kenneth and Diane Wilson

Project Engineer: Atterbury & Associates

Project type: Reactivation of Use Permit and Design Review for a winery and public tasting room with agricultural promotional events, two weddings, and two community benefit dinners, and participation in industry-wide events.

Project Description: Request to reactivate a previously approved Use Permit and Design Review (Ordinance No. 5929– Economic Stimulus) and potential project modifications for a winery and tasting room (single building approximately 17,000 square feet in size) with a 25,000 case maximum annual production capacity, with the existing barn (approximately 3,200 sq ft.) converted to barrel storage, and to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two community benefit dinners with 100 guests, and participation in industry wide events totaling no more than eight event days per year with 100 guests on the site at a time with a maximum of 300 guests on 40 acres. The project site is under a Land Conservation Contract.

Project Location: 4304 Dry Creek Road, Healdsburg

See Location Map - Attached

Environmental Finding:

Basis on the attached Initial Study, the project described above will not have a substantial adverse impact on the environment, provided that the mitigation measures identified in the Initial Study are included in the project.

Pursuant to Section 15073.5 (c)(4) of the State CEQA Guidelines, the Revised Mitigated Negative Declaration has been revised by PRMD after public notice of its availability had been given, but prior to its adoption, to add updated and more current information under Agricultural Resources section for existing winery facilities in the area and their status, Traffic, Environmental Factor 17, and to add new attachments (Updated TIS dated February 5, 2015 and Noise Addendum Letter prepared by Ilingworth & Rodkin. The updated winery information, noise and traffic information and new attachments did not result in any change to the existing mitigation measures or change the project description.

Initial Study: See attached. For more information call [Traci Tesconi](mailto:Traci.Tesconi@sonoma-county.gov) at 565-1903.

Overview

The County of Sonoma (County) has prepared minor revisions to the Mitigated Negative Declaration dated November 15, 2014 for the Hale Winery, State Clearinghouse #2014113019, (“the MND”) as set forth in Section C below. The revisions make minor technical changes as text corrections to the MND and add identification and discussion of two additional reports on potential noise impacts of the Project. All mitigation measures applicable to the approved project will continue to apply to the proposed project.

CEQA Standard

The County of Sonoma has prepared these revisions pursuant to CEQA and the CEQA Guidelines (California Code of Regulations, title 14, Section 15000 et seq.) None of the revisions requires recirculation of the MND because the revisions add new information which merely clarifies, amplifies or makes insignificant modifications to the MND. (CEQA Guidelines, §15073.5(c)(4).) No new significant effects are identified and no new or changed mitigation measures are required because of the revisions.

Mitigation Measures: Included in attached Initial Study. On November 4, 2014, the project applicant agreed to implement all mitigation measures by signing the Applicant’s Affidavit for Agreement to Mitigation Measures and Monitoring Program for PLP05-0062.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Traci Tesconi, Project Review Planner with the Sonoma County Permit and Resource Management Department, Project Review Division. Information on the project was provided by project applicants. Additional information was provided by various consultants as identified in this Initial Study. Technical studies referred to in this document are available for review at the Permit and Resource Management Department.

Environmental Finding:

Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that mitigation measures are incorporated into the project. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines and the information contained therein has been reviewed and considered.

As mitigated there will not be a potential impact on biotic habitat of concern to Fish & Game.

Initial Study: Attached

Other Attachments: Previous approval for PLP05-0062

Decision-making Body: Sonoma County Board of Zoning Adjustments

Lead Agency: Sonoma County Permit and Resource Management Department

INITIAL STUDY CHECKLIST

FILE #: PLP05-0062

PLANNER: Traci Tesconi

PROJECT NAME: Hale Winery

DATE STARTED: July 15, 2014

POSTING DATE: November 10, 2014

COMMENTS DUE: December 11, 2014

LEAD AGENCY: Sonoma County Permit and Resource Management Department

PROJECT LOCATION: 4304 Dry Creek Road, Healdsburg

APPLICANT NAME: Kenneth Wilson

PROPERTY OWNER: Kenneth and Diane Wilson

PROJECT ENGINEER: Atterbury & Associates, Inc.

APPLICANT ADDRESS: c/o 16109 Healdsburg Avenue, Suite D, Healdsburg, CA 95448

GENERAL PLAN DESIGNATION: Land Intensive Agriculture, 20 acres per dwelling unit

SPECIFIC/AREA PLAN: None

ZONING: LIA (Land Intensive Agriculture) B6-20 acre density, Z (Second Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat)

DESCRIPTION OF PROJECT: Request to reactivate a previously approved Use Permit and Design Review under Ordinance No. 5929 (Economic Stimulus Ordinance) with project modifications for a winery and tasting room (single building approximately 17,000 square feet in size) with a 25,000 case maximum annual production capacity, with the existing barn (approximately 3,200 sq ft.) converted to barrel storage, and to include public tasting, retail sales, 12 agricultural promotional events per year with 80 guests, two weddings per year with 100 guests, two community benefit dinners with 100 guests, and participation in industry wide events totaling no more than eight event days per year with 100 guests on the site at a time with a maximum of 300 guests on 40 acres. The project site is under a Land Conservation Contract.

PROJECT SITE AND SURROUNDING LANDS: Briefly describe the project site and surroundings:

The project site consists of 40 acres of vineyard land located on the west side of Dry Creek Road, approximately 4 miles northwest of Healdsburg. The property contains a barn and well, with existing vineyard planted over 36 acres, covering 90% the property. Access would be an improved, existing driveway directly off of Dry Creek Road. The project site is generally flat. The proposed project development is located in the front half of the parcel, with no work or disturbance near or along Dry Creek. A small drainage course runs along the front portion of the project site, ultimately heading west feeding into Dry Creek. Since 1972 the property is under an existing Type I Williamson Act contract. (1-30-72; 2603/739).

Surrounding land uses and setting:

South: Single-family residence and vineyards.

West: Dry Creek; single-family residences and vineyards.

North: Single-family residence and vineyards.

East: Single-family residences and vineyards.

The adjoining lands have similar topography as the project. Lot sizes in the area vary, but are generally larger-lot agricultural operations (7 to 40 acres) on the west side of Dry Creek Road, with smaller, rural residential lots on the east side of the Road.

DETAILED PROJECT PROPOSAL: Briefly describe the proposed project:

The applicant has requested that the expired Use Permit and Administrative Design Review previously approved under PLP05-0062 be activated under the provision of the Ordinance No. 5929. Under this Ordinance the Board of Supervisors approved the reactivation of expired permits. Whereas, any land use entitlement which expired during the calendar years 2010 or 2011 prior to the effective date of this section, may be granted reactivation by the Planning Director at his/her sole discretion, subject to public notice and opportunity for hearing before the authority which granted the original permit. The property owner/applicant must request reactivation by submittal of an application and payment of filing fees. The application for reactivation will be reviewed to determine consistency with the County's General Plan and zoning code, and any code/policy amendments in effect at the time of application for reactivation, as well as current County goals, policies and standards. Any reactivated project must comply with current General Plan, building and zoning codes and additional conditions to achieve compliance may be added.

The original approval in 2007 of the project did not require a public hearing because a request by PRMD to waive the public hearing was posted along the roadway and with notices mailed to property owners within 300-feet of the project site, and no one objected. Also, the approval of one year extension of time in 2009 did not require a public hearing because once again a request by PRMD to waive the public hearing was posted out along the roadway and with notices mailed to property owners within 300-feet of the project site, and no one objected.

The following was previously approved under PLP05-0062:

Request for a Use Permit and Administrative Design Review for a winery (single building approximately 17,000 sq. ft. in size) with a 25,000 case maximum annual production capacity to include an attached public tasting room and retail sales, and 24 special events per year with a maximum of 100 guests per event on 40 acres. An existing building would be converted to barrel storage.

For the re-activation request PRMD staff determined that a public hearing is needed. The request to reactivate a previously approved Use Permit and Design Review consists of the following:

Construct a single building to house the 25,000-case winery and public tasting room. All wine fermenting, aging, storing, and bottling would be done indoors with de-stemming and crush activities outdoors on the covered crush pad attached to the winery building. The tasting room is located in the front portion of the building (northern side) and the crush pad and loading dock areas are located in the opposite end (southern side), with the production and storage areas in between the two uses.

The single winery building comprises of the following uses:

- Fermentation & laboratory (approximately 5,284 square feet)
- Barrel storage (approximately 5,000 square feet)
- Office & Administration (approximately 2,028 square feet)
- Commercial kitchen (approximately 256 square feet)
- Tasting and retail (approximately 3,258 square feet)

Other improvements:

- Outdoor special events area with outdoor wine bar and pizza oven (6,000 square feet).
- Outdoor Crush pad (1,600 square feet)
- Detached barrel storage building- conversion of existing barn (approximately 3,200 square feet)

Hours of operation:

- Winery: 6:00 am to 5:00 pm, Monday thru Saturday (non-harvest season) and 7:00 am to 10:00 pm, 7 days per week (harvest season)
- Tasting room: 10:00 a.m. to 5:00 p.m., 7 days a week.
- Industry-wide events: 10:00 a.m. to 5:00 p.m (same as tasting room hours). Not to exceed a

total of eight days per year.

- Weddings: 1:00 p.m. to 9:00 p.m. [Guests shall exit the project site by 9 p.m. and cleanup shall commence by 10:00 pm]. Not to exceed two per year.
- Ag Promotional events: 2:00 p.m. to 9:00 p.m. [Guests shall exit the project site by 9 p.m. and cleanup shall commence by 10:00 pm]. Not to exceed twelve per year.
- Community Benefit dinners: 6:00 p.m. to 9:00 p.m. [Guests shall exit the project site by 9 p.m. and cleanup shall be commence by 10:00 pm]. Not to exceed two per year.
- Employees: Five full-time employees, plus four seasonal employees during harvest.

Hale Winery- 2014 Event table

Event type	# of events per year	# of guests per event	Event location	Amplified Music? Yes or No
Industry Wide	8 (Max 10 days total)	300 rotates 50+/hr	West side of buildings or indoors	Outdoor Acoustical instruments only <u>or</u> use of the computerized amplification system fitted with a sound limiter
Weddings	2	100	West side of buildings or indoors	Yes, indoor and outdoor use of the computerized amplification system fitted with a sound limiter
Agricultural Promotional (i.e. wine club dinners)	12	80	West side of buildings or indoors	Yes, indoor and outdoor w/ the computerized amplification system fitted with a sound limiter
Community Benefit dinners	2	100	West side of buildings or indoors	Yes, indoor and outdoor w/ the computerized amplification system fitted with a sound limiter

- The winery improvements would be located towards the front section of the property, approximately 300 feet off of Dry Creek Road. The Site Plan depicts the location of where the 200-foot Scenic Corridor setback line on the project site. The outdoor special events area would be located behind the barrel storage area by the wine tasting room. Any use of amplified music or sound either indoors or outdoors is required to use the winery’s computerized amplification system fitted with a sound limiter.
- Vineyard/winery production: The parcel is 40 acres, of which 36 acres is planted in vineyard or 90%. The existing vineyard would provide about half of the 25,000 case-per-year volume, with grapes also being imported for crush and fermentation for other local vineyards.
- Approximately 1.5 acres of the vines would have to be removed to accommodate the winery development. However, the applicant has confirmed that approximately .64 acres of vines can be replanted elsewhere on the site. Therefore, the overall net loss of vines is 0.86 acres (less than 1 acre). The project site will continue to conform to the Uniform Rules for Land Conservation Contracts (Williamson Act contract) because more than is 50% of the parcel will remain planted in vineyard.
- The existing barn would be converted to barrel storage.
- Two separate public parking areas would be established. First parking area would be located in the front portion of the project site, just east of the seasonal creek with 10 parking spaces. Second parking area would be located adjacent to the winery building adjacent to the tasting room with five standard parking spaces and one handicap- accessible parking space. For a total

of 13 standard parking spaces and one handicap accessible parking space. For event parking, additional parking areas are located at the south end of the winery building at the loading dock and outdoor work areas because during events minimal winery operations will be taking place. This area will be used for truck and employee parking during winery operations. Overflow parking for the larger industry wide events would be along the existing vineyard road on the north side of the project site – Refer to Event Overflow Parking Plan.

- The existing driveway directly off of Dry Creek Road would be improved to meet AASHTO Standards.
- The existing driveway, the proposed internal driveway, and proposed pedestrian bridge crossings over the seasonal stream will require engineered plans approved by PRMD, Regional Water Quality Control Board, and State Fish and Wildlife.
- A new well would be drilled on the project site. The new well must be installed with a 50-foot minimum seal to meet State drinking water standards.
- A new septic system for the disposal of winery wastewater and for domestic wastewater would be installed behind the barrel storage building. Preliminary soils investigations were done on the project site by Adobe & Associates.

Background information:

On June 29, 2005, the original Use Permit and Administrative Design Review application (PLP05-0062) was submitted. On December 5, 2006 the applicant revised the project changing the number of special events from 24 to 20 per year and the number of guests from 100 to 150 guests per event.

On February 9, 2007 the project was revised once again, changing to 24 special events with 100 guests per event, along with a revised site plan and proposal statement. Referrals were sent out again to other agencies.

On May 16, 2007, preliminary design review was approved by the Design Review Committee with recommendations for revisions to the project design and landscaping. The DRC approved the height of winery building ranging from 35 feet to 44 feet for the roof-pitches. The DRC had several recommendations to revise the Landscape plan to add more native trees and plants along the creek, and add screening trees along the south portion of the creek, and to add more shade trees or arbor structure in the front parking area. The DRC was concerned about the reflectivity” of the roof material being proposed, and requested the architect research other less reflective roofing materials

A Mitigated Negative Declaration was prepared by the Project Planner and on May 21, 2007, the legal notice of the Notice of Intent to Waive the Public Hearing was mailed to property owners within 300-feet of the project site and orange notices were posted along Dry Creek Road. Within the 20-day posting period no objection to waiving the public hearing was received and on June 15, 2007, the Use Permit was approved by PRMD.

After two years, the applicant submitted a request for a one-year extension of time in order to meet Use Permit conditions. On May 15, 2009, the legal notice for the One-Year extension of time was mailed to property owners within 300-feet of the project site and orange notices were posted along Dry Creek Road. No objection was received and on June 11, 2009, a one-year extension of time was approved.

On October 5, 2010, PRMD staff sent a letter to the applicant and project engineer notifying them that since no development permits (septic, grading, or building permits) have been issued on the site for the project, the Use Permit has expired. On October 11, 2010, an appeal of this determination was filed by the applicant's engineer filed under ADA10-0006.

On April 12, 2011, the Board of Supervisors adopted the Economic Stimulus Ordinance No. 5929 which extend permitted time frames for approved planning permits and potentially allow for reactivation of certain recently expired permits. PRMD determined that the applicant could submit a request to reactivate the expired Use Permit approval under this Ordinance and the applicant withdrew the appeal filed under ADA10-0006.

On May 12, 2012, the applicant submitted the request to reactivate the Use Permit with design review filed under PLP05-0062. The single winery building's location, size and design, and the parking and driveway locations remain unchanged from that approved in 2007 and 2009. The total number of Agricultural Promotional events of 24 per year remains the same, however, it's now specified that two are weddings and two are charitable benefit dinners. The dinners include the awarding of scholarships from Wilson Artisan Wineries to children (high school seniors) of local vineyard workers who wish to continue their education. Each year \$20,000 worth of scholarships are awarded.

On April 16, 2015, the Board of Zoning Adjustments (BZA) approved, with modifications, a new winery and public tasting room within an approximately 17,000 square foot single building to include: a 25,000 case maximum annual production capacity; public tasting; retail sales; 12 agricultural promotional events per year (10 with a maximum of 80 guests and two with a maximum of 100 guests), and participation in industry-wide events totaling eight event days with 100 guests on the site at a time with a maximum capacity of 300 guests per day; and conversion of an existing 3,200 square foot barn to store empty barrels.

At the April 16, 2015 hearing, the BZA prohibited weddings/receptions, any use of outdoor amplified sound or music or use of outdoor loud musical instruments, and the proposed commercial kitchen. The BZA did allow a caterer's kitchen in the tasting room which can include counter space, commercial sinks, warming and microwave ovens, and refrigeration. The BZA required as a condition of approval the restoration of the existing on-site seasonal stream, including bank stabilization.

Other Public Agencies whose approval is required (e.g. responsible/trustee agencies issuing permits:

- PRMD- Grading and Storm water Section, Well and Septic Section, Building Division Section
- Sonoma County Fire and Emergency Services
- Regional Water Quality Control Board/401 Certification and Winery Waste Discharge Permit
- State Water Resources- Office of Drinking Water
- California Department of Fish and Game 1600 Permit

Initial Study Checklist

This checklist is taken from Appendix G of the State CEQA Guidelines. For each item, one of four responses is given:

No Impact: The project would not have the impact described. The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

Less Than Significant Impact: The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

Potentially Significant Unless Mitigated: The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

Potentially Significant Impact: The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question on the checklist was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The checklist includes a discussion of the impacts and mitigation measures that have been identified.

The project applicants have agreed to accept all mitigation measures listed in this checklist as conditions of approval of the proposed project and to obtain all necessary permits.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Initial Study Checklist

Page 8

File No. PLP05-0062

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

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

Incorporated Source Documents

In preparation of the Initial Study checklist, the following documents were referenced/developed, and are hereby incorporated as part of the Initial Study. All documents are available in the project file or for reference at the Permit and Resource Management Department.

- X Project Application and Description
- X Initial Data Sheet
- X County Planning Department's Sources and Criteria Manual
- X Sonoma County General Plan and Associated EIR
Specific or Area Plan: None
- X Sonoma County Zoning Ordinance
- X Sonoma County Rare Plant Site Identification Study
- X Project Referrals from Responsible Agencies
- X State and Local Environmental Quality Acts (CEQA)
- X Full record of previous hearings on project in File
- X Correspondence received on project.
- X Project Proposal and Project Plans submitted for reactivation of PLP05-0009:
Proposal Statement, Overall Site plan, Floor Plan, Elevation Plan, Event Table, and Overflow Parking Plan.
- X Previous Notices of Waiver of Public Hearings and Approval letters for PLP05-0062 dated 2007 and 2009.
- X Referral response from State Fish and Wildlife, dated July 23, 2013.
- X Economic Stimulus Ordinance No. 5929

Other technical reports:

- 1). *Revised Focused Traffic Impact Study for Hale Winery*, prepared by W-Trans, dated October 28, 2014.
- 2). *Original Environmental Noise Assessment*, prepared by Illingworth & Rodkin, dated May 1, 2006.
- 3). *Special Event Noise Assessment*, prepared by Illingworth & Rodkin, dated May 13, 2014.
- 4). *Revised Special Event Noise Assessment*, prepared by Illingworth & Rodkin, dated October 9, 2014.
- 5). *Updated Focused Traffic Impact Study for Hale Winery*, prepared by W-Trans, dated February 5, 2015.
- 6). *Addendum Letter from Illingworth & Rodkin*, dated February 5, 2015

The following additional technical reports are added to the Initial Study Checklist list of source documents:

- 7) *Memorandum from Illingworth & Rodkin Inc. to Traci Tesconi, PRMD, dated February 5, 2015.*
- 8) *Memorandum from Illingworth & Rodkin Inc. to Traci Tesconi, PRMD, dated March 13, 2015.*

On File at PRMD (only available upon request):

- 1). Confidential Information- *Cultural Resources Survey*, Tom Origer & Associates, September 2, 2005.

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17 at the end of the checklist “Earlier Analysis”, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
 - A) Earlier Analysis Used. Identify and state where they are available for review.
 - B) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - C) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

1. AESTHETICS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	_____	_____X_____	_____	_____
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	_____	_____X_____	_____	_____

Comment:

1.a and 1.b Less Than Significant with Mitigation Incorporated: The project site includes SR (Scenic Resource) designation. Typical for parcels located in the Dry Creek Valley region of Sonoma County, the SR designation is reflective of the site’s location along Dry Creek Road, classified as a Scenic Corridor in the General Plan, and its location in a designated Scenic Landscape Unit. There are no historic buildings or rock outcroppings on the project site.

The General Plan (Policy OS-1e) requires new structures along Scenic Corridors and Scenic Landscape Units:

1. Structures shall be sited below exposed ridgelines.
2. Structures shall use natural landforms and existing vegetation to screen them from view from public roads. On exposed sites, screening with native, fire resistant plants may be required.
3. Cuts and fills are discouraged, and where practical, driveways are screened from public view.
4. Utilities are placed underground where economically practical.

In addition the following General Plan Scenic Landscape Policy OS-2C applies to the proposed project:

1. Site and design structures to take maximum advantage of existing topography and vegetation in order to substantially screen them from view from public roads.
2. Minimize cuts and fills on hills and ridges.
3. Minimize the removal of trees and other mature vegetation. Avoid removal of specimen trees, tree groupings, and windbreaks.
4. Where existing topography and vegetation would not screen structures from view from public roads, install landscaping consisting of native vegetation in natural groupings that fit with the character of the area in order to substantially screen structures from view. Screening with native, fire retardant plants may be required.
5. Design structures to use building materials and color schemes that blend with the natural landscape and vegetation.
6. On hills and ridges, avoid structures that project above the silhouette of the hill or ridge against the sky as viewed from public roads and substantially screen driveways from view where practical.
7. To the extent feasible, cluster structures on each parcel within existing built areas and near existing natural features such as tree groupings.

Additionally, Policy OS-3c requires a structural setback of 30% of the lot depth (to a maximum 200 feet) measured from the centerline of Dry Creek Road to help ensure an open scenic landscape along the Scenic Corridor.

The project site is located on the valley floor located on the west side of Dry Creek Road, below any ridge lines. The winery building would be set back approximately 300 feet from Dry Creek Road, located outside of the Scenic Corridor setback. The building would utilize a varied rooflines and vertical wood siding, creating the visual appearance of a large barn with corrugated metal roof. Roof elements would include a gable roofline by the wine crush entrance and a roof turret near the office space. Building height would vary depending upon use area, but would generally be 35 feet, with higher elements at the gable roof peak and turret extending 44 feet in height. The building would be set back from the closest residence by approximately 300 feet, providing ample separation and minimizing any potential visual impacts to this

neighbor. The proposed extensive use of natural materials will blend well with the natural setting of the property and the surrounding vineyards. Site grading and development appear to be consistent with County scenic resource protection policies. In Dry Creek Valley, for parcels' on the valley floor, none of the existing buildings (wineries, tasting rooms, residences, and the general store) are hidden from public views because it's impossible to achieve on flat sites, and on sites where it's more important to maintain the existing vineyards.

Landscape improvements would help to screen the building from public views. The project is subject to further design review. The single winery building height is shown as a heights ranging from 42- 44 feet due to architectural features. In the LIA zoning, maximum height limits are 35 feet or 50 feet for agricultural buildings. The winery building is an agricultural building since all wine production, processing, storing, and aging will be done indoors. In addition, the Design Review Committee may allow for additional height, but in no case can the building height exceed 50 feet. On May 16, 2007, preliminary design review was done before the Design Review Committee and there are no changes to the original winery building design or elevations. In 2007, the DRC made the following recommendations:

ARCHITECTURE

1. *Reduce reflectivity of the metal roof.*

LANDSCAPE ARCHITECTURE

1. *Use native plantings along the seasonal creek where appropriate*
2. *Provide substantial landscape screening for the fermentation, storage and, crush portion of the winery building*
3. *Cluster redwoods to provide screening of taller portion of building*
4. *Focus exotic plant species in certain areas near the tasting room.*
5. *Utilize landscaping that compliments the building.*
6. *Provide shade trees around parking areas.*

LIGHTING

1. *Lighting and signage to be brought back to Design Review Committee prior to building permit issuance.*
2. *All lighting to be down cast and fully shielded.*

One revision to the original landscape plans is in the "outdoor event area", whereas, instead of planting grass, this area would be improved with low deck flooring or decomposed granite or similar materials, in effort to reduce overall water usage at the winery facility. Prior to issuance of any building permits, the Design Review Committee must approve final building elevations, color, and design as well as landscaping, irrigation, lighting, and signage plans. Therefore to ensure the winery does not have an adverse effect on the rural setting, the following Mitigation Measure has been incorporated into the project:

Mitigation Measure 1.a. (1). Prior to issuance of any grading permit for the winery development project, the Design Review Committee shall review and grant final approval on the site plan, building elevations, circulation, parking, landscaping, irrigation, signage, and exterior lighting plans to minimize any visual impact through design and landscaping improvements. The building plans shall depict the building height elevations and design with building heights no higher than the range of 42 feet to 44 feet in height, as approved by the Design Review Committee on May 16, 2007. Furthermore, the applicant shall comply with the recommendations listed on the DRC Action Sheet, dated May 16, 2007, and any subsequent DRC recommendations.

Mitigation Monitoring 1.a. (1): The Permit and Resource Management Department shall not issue any grading, building, or other development permit until the required plans have been given final approval from the Design Review Committee. PRMD shall not issue temporary or final occupancy for any related building permit until a site inspection of the project site has been conducted by the Project Planner to verify exterior building colors, landscape improvements, signage, and exterior lighting have been installed in accordance with approved plans.

Mitigation Measure 1.a. (2): Prior to issuance of final occupancy on any related building permit, landscape planting and irrigation shall be installed in accordance with the plans approved by the Design Review Committee. A site inspection by the Project Planner is required and a letter from the Landscape Architect or Contractor must be submitted verifying landscape and irrigation installation is in accordance with approved plans.

Mitigation Monitoring 1.a. (2): The Permit and Resource Management Department shall not issue final occupancy on any building related permit until it has been verified by a site inspection by the Project Planner and a letter from the Landscape Architect or Contractor that landscaping and irrigation have been installed in accordance with approved plans.

(Also see item 1.d, below, regarding mitigation for night lighting.)

- c) Substantially degrade the existing visual character or quality of the site and its surroundings? _____ X _____ _____

Comment:

1.c Less Than Significant with Mitigation Incorporated: (Refer to Mitigation Measures and Monitoring Incorporated into the project under item 1.a and 1.b. above). As discussed above, under items 1.a and 1.b, and below, under item 1.d, the project is not expected to result in a significant impact upon the visual character of the area or its surroundings. The winery building would be located over 300 feet from the center of Dry Creek Road. Nonetheless, mitigation measures have been incorporated into the project to require Design Review approval for the project.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? _____ X _____ _____

Comment:

1.d Less Than Significant With Mitigation Incorporated: The construction of the proposed improvements (wine tasting room/storage building) will introduce minor amounts of new sources of light and glare, and may impact nighttime views as seen from Dry Creek Road and surrounding sites. To reduce potential impacts from exterior lighting and prevent glare to a level of insignificance, the following mitigation is required to be incorporated into the project as follows:

Mitigation Measure 1.d.: Prior to issuance of the Building permit for the winery building, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded from off-site views, and directed downward to prevent "wash out" onto adjacent properties or the night sky. Generally, fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation Monitoring 1.d.: The Permit and Resource Management Department shall not issue the Building permit for the winery building until an exterior night lighting plan has been reviewed and approved by the Design Review Committee consistent with the above mitigation measures and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit for the winery building until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and, if warranted, require the property be brought into compliance or initiate procedures to revoke the permit.

2. AGRICULTURE RESOURCES	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? _____ _____ X _____

Comment:

2.a Less Than Significant Impact. The parcel is designated as Prime Farmland on the Important Farmland maps. The project site is 40 acres with 36 acres planted in vineyard. The proposed project would require the conversion of a portion of the vineyard (approximately 1.51 acres) for construction of the winery building, connecting driveways, parking areas, and lawn areas. According to the applicant, .64 acres of vines can be replanted on the site, resulting in 0.86 acres (less than 1 acre) of vineyard being taken out of cultivation. The project site will remain under an agricultural land use and zoning designation and a majority of the project site will remain planted in vineyard and with less than one-acre of vines removed, this is a considered a less-than significant impact on Prime farmlands.

Mitigation: None required.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? _____ _____ X _____

Comment:

2.b Less Than Significant Impact. The project site is under a Land Conservation contract (Williamson Act contract) and in the LIA (Land Intensive Agriculture) land use and zoning designation. The General Plan policy for Land Intensive Agriculture states that agricultural production, agricultural support uses, and visitor serving uses, as provided in the Agricultural Resources Element of the General Plan, are allowed uses, provided a Use Permit is approved. The reactivated project must continue to be found consistent with the General Plan's Agricultural Element Goals, Objectives and Policies, which include the following:

General Plan

Goal AR 2.1 “Successful promotion and marketing of agricultural products grown in Sonoma County can both enhance the County's image and reduce economic pressure on farmers and ranches to subdivide or convert the land to nonagricultural uses.”

Goal AR-1: “Promote a healthy and competitive agricultural industry whose products are recognized as being produced in Sonoma County.”

Objective AR-1.2: “Permit marketing of products grown and/or processed in Sonoma County in all areas designated for agricultural use.”

“Policy AR-4a”: The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses

in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.”

Staff analysis: The project site is within the Land Intensive Agriculture General Plan land use designation and the existing primary use of the project site will remain agriculture production (vineyard) with a majority of the project site under cultivation. The project site is located within the Dry Creek Valley that consists of large commercial vineyard operations with wineries and tasting rooms. Residential uses are considered secondary in LIA to the primary uses of agricultural and related processing. Nonetheless, conditions have been incorporated into the proposed project to reduce potential land use conflicts such as exterior lighting, traffic, and noise. All exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Noise generated by the proposed winery and event activities must be controlled by mitigation measures incorporated into the project under item 11 (Noise) in this initial study checklist in accordance with the standards set in the Noise Element of the General Plan.

“GOAL AR-5: *Facilitate agricultural production by allowing agriculture-related support uses, such as processing, storage, bottling, canning and packaging, and agricultural support services, to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural production in the area.”*

Staff Analysis: The project site is 40 acres with 36 acres of premium vineyard. The proposed winery is within the Dry Creek Valley appellation. The winery facility would process grapes grown on-site and from the local area.

“Objective AR-5.1: *Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land use categories.”*

Staff Analysis: The subject site is designated as Land Intensive Agriculture which is considered one of the primary agricultural land use designations. As discussed above, an on-site winery allows processing of grapes grown onsite and the local area.

“Policy AR-5a: *Provide for facilities that process agricultural products in all three agricultural land use categories only where processing supports and is proportional to agricultural production on site or in the local area.”*

Staff Analysis: The proposed 25,000 case winery will process the 36 acres of the wine grapes grown on site, as well as other locally grown grapes. The growing of grapes will continue to be the primary use of the site. The winery would be located in the Dry Creek Valley, adjacent to Alexander Valley, which are both major grape growing regions where processing facilities are still needed.

“Policy AR-5c: *Permit storage, bottling, canning, and packaging facilities for agricultural products either grown or processed on site provided that these facilities are sized to accommodate, but not exceed, the needs of the growing or processing operation. Establish additional standards in the Development Code that differentiate between storage facilities directly necessary for processing, and facilities to be utilized for the storage of finished product such as case storage of bottled wine. Such standards should require an applicant to demonstrate the need for such on-site storage.”*

Staff Analysis: The winery building production and storage area consists of 0.54 square feet of production area per one case of wine. Research done for another winery project (UPE07-0008 Cornell Winery) determined that wineries on average provided 0.60 square feet of area per case of wine with a range of 0.33 sq. ft./case for a winery with a production capacity of 15,000 cases compared to 1.10 sq. ft./case for a smaller winery with a production capacity of 2,000 cases. For this winery facility, all processing, aging, and storage will be done indoors. Bottling would be done by a mobile bottling truck. In comparison, the size of the proposed winery is slightly below the average, in keeping with past winery approvals and the winery is consistent with the intent of the General Plan Policy AR-5c.

“Policy AR-6a”: *Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production.”*

Staff Analysis: Consistent with past approvals for similar projects, the events held at the winery facility are considered agricultural promotional events, including the weddings. The purpose of the winery holding events at the winery site is to create a customer experience to help support direct sales of the wine produced on site. The majority of the site will remain planted in vineyard (over 80%) and the events are limited in frequency and size remaining secondary and incidental to the on-site agricultural production and processing.

Consistent with past approval at wineries, the proposed events would promote wine processed on the site. The LIA (Land Intensive Agriculture) zoning district allows for tasting rooms, subject to the minimum criteria of General Plan Policies AR-6d and AR-6g and approval of a Use Permit.

"Policy AR-6d: *Follow these guidelines for approval of visitor serving uses in agricultural areas:*

1. *The use promotes and markets only agricultural products grown or processed in the local area."*

Staff Analysis: The tasting room use will promote grapes grown and processed on site and the local area.

"2. *The use is compatible with and secondary and incidental to agricultural production activities in the area."*

Staff Analysis: The winery and tasting room uses encompass a small portion of the overall project site and considered secondary to the primary use of the project site which is a large commercial vineyard.

"3. *The use will not require the extension of sewer and water."*

Staff Analysis: The use will be served by on-site septic system and water well and extension of sewer and water lines will not be required.

"4. *The use is compatible with existing uses in the area."*

Staff Analysis: Under the LIA zoning, agricultural production and related processing are considered the primary uses, with residential uses secondary. There are several wineries and tasting rooms in the Dry Creek Valley. There are stand alone tasting rooms and a complex of tasting rooms for several wineries in the area (Timber Crest Farms) and several wineries approved for events, including weddings. The tasting room operating hours are limited and agricultural promotional events are limited per year in frequency and size. Also, the use of amplified music or sound shall be controlled by using the computerized amplification system fitted with a sound limiter to ensure the Daytime noise standards of the General Plan are not exceeded.

"5. *Hotels, motels, resorts, and similar lodging are not allowed.'*

Staff Analysis: The proposed project does not include commercial lodging accommodations.

"6. *Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed."*

Staff Analysis: The project includes a tasting room, retail sales, and agricultural promotional events, including two weddings, two charitable events, and industry wide events. The purpose for hosting events is to educate consumers on the wine-making process and to increase direct sales and wine club memberships for future wine purchases. Hosting on-site events is a proven marketing tool used for many wineries in a competitive market.

Determining concentration of uses is explained under General Plan **Policy AR-5g** which states: "*Local concentrations of any separate agricultural support uses, including processing, storage, bottling, canning and packaging, agricultural support services, and visitor-serving and recreational uses as provided in Policy AR-6f, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided. In determining whether or not*

the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:

"1. Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis."

Staff Analysis: Based on the Traffic Analysis prepared by W-Trans, and reviewed and accepted by the Sonoma County Transportation and Public Works Department, project generated traffic will not result in road access conflicts and would not exceed the level of service established in the Circulation and Transit Element's objectives (Refer to further discussion under item 16 Traffic Impacts below in this initial study checklist).

"2. Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells".

Staff Analysis: The project site draws groundwater from the Dry Creek Valley aquifer. This aquifer extends the length of Dry Creek Valley and is replenished by natural recharge areas within the Dry Creek water shed. The County General Plan "Zone 1 – Water Availability Area" designation indicates this aquifer is a sustained source of groundwater and therefore the County does not require a ground water study. Also, this aquifer is not a regulated groundwater basin, so no entitlements are required to extract water from this source.

The water demand generated by the winery and tasting room uses is limited given the project's small scale. A new well will be drilled on the property to serve these new uses with a public water supply in accordance with State Office of Drinking Water requirements. Because the water demand associated with the proposed uses is relatively small, there is adequate ground water supply to serve the project and will not significantly impact wells in the area.

Based on industry standards used by engineers it takes 6 gallons of water to make 1 gallon of wine. At the maximum capacity of 25,000 cases of wine each year, the total annual water demand for the winery is estimated 360,000 gallons of water or .91 AF (acre feet) of water (325,830 gallons per one AF of water). In comparison, the water demand for all typical single family residence uses is 0.60 AF/year (R.C. Slade, PLP02-0026). Currently, there are no residences on the project site. The current density allowance would allow two residences (or a two-lot subdivision). The winery water usage as estimated is equivalent to 1.5 residences.

Under General Plan Policy WR-2d, the Use Permit, if approved, is subject to a condition that requires groundwater monitoring for new or expanded discretionary commercial and industrial uses using wells. Where justified by the monitoring program, establish additional monitoring requirements for other new wells.*

"3. Whether the above uses would be detrimental to the rural character of the area."

Staff Analysis: The project site is 40 acres with 36 acres of existing vineyard. Approximately 1.5 acres of vines would have to be removed for the project, with .64 acres of vines can be re-planted on the site. Therefore, less than one acre of vines (0.86 acres) of vineyard would be removed. The single winery and tasting room building is located outside of the 200-foot Scenic Corridor setback for Dry Creek Road. The proposed winery building design and architecture has been reviewed by the Design Review Committee who had no objection to the design, only recommending to reduce the reflectivity of the metal roof. Existing vineyard and landscaping on the site, as well as, proposed landscaping improvements will help screen the building from the public road. The winery building would have an agrarian design with a cedar stained board and batten siding and corrugated roof which is of an is more in-keeping with a rural character and would not be detrimental in its appearance.

A standard as to how far to measure other projects has not been established by PRMD. Therefore, three recently approved projects were used as examples. For these projects the Planners used a range of radius: 1.8 miles, 1.5 miles, and 1 mile.

In 2013, the BZA approved a new 12,250 square foot winery located at 8500 Dry Creek Road with an

maximum annual production capacity of 10,000 cases, public tasting, retail sales, 14 promotional events plus four industry-wide promotional events (PLP12-0020- Seaton Winery) determining that adding one more winery within a 1.8 mile radius of five existing wineries with public tasting rooms would not result in an over concentration of an agricultural support use and two of the five wineries in the near vicinity do not conduct agricultural promotional events and only participate in industry wide events.

In October 2014, in the neighboring Alexander Valley, the BZA approved expansion of an existing at 7370 Highway 128 with a maximum annual production capacity of 120,000 cases, with a public tasting room, marketing accommodations and 25 agricultural promotional events per year with a range of 50 to 200 guests, one event per year with a maximum of 1,000 guests winery (PLP14-0004 Silver Oak Winery) determining that the winery expansion within a 1.5 mile radius of eight existing wineries with public tasting rooms would not result in an over concentration of an agricultural support use because project generated traffic will not result in road access conflicts and would not exceed the level of service.

Also, in October 2014, in the area of Geyserville, the BZA approved a new distillery (ag processing) no tasting or events (PLP12-0040), determining that adding one more agricultural processing facility not open within a one-mile radius of two existing wineries and six tasting rooms would not result in an overconcentration primarily because the project did not impact the level of service on roadways in the area.

In 2018, the Nalle winery at 2383 Dry Creek Road shown on the chart of existing wineries within 1.5 to 2 miles of the project site was approved for special events, industry wide event participation and an expansion of public tasting to 7 days/week from Sunday only.

The Table below depicts existing wineries and tasting rooms along Dry Creek Road within 1.5 miles to 2 miles of the project site:

Wineries South of Project Site	Location	Production Capacity – Cases	Public Tasting	Permitted for Events and maximum number of guests per event	Distance from Site- Approx.
Nalle	2383 Dry Creek Rd UPE16-0007 Approved with Waiver of Hearing in September 2018	10,000	Yes	12 ag promo events total. 8 w/25 guests and 4 w/ 100 guests. 10 industry wide event days.	2.1 miles
Mauritson	2859 Dry Creek Rd UPE01-0101 Approved 7/2002	25,000	Yes	12 w/100 guests maximum	1.6 miles
F. Teldeschi	3555 Dry Creek Rd UPE90-0197 Approved 8/1990	10,000	Yes	No	1.35 miles
Amista	3320 Dry Creek Rd UPE04-0047 Approved by BOS on appeal 7/2005	20,000	Yes	No	1.4 miles
Rued	3850 Dry Creek Rd UPE11-0088 Approved 5/2012	8,500	Yes	17 w/100 guests maximum, including 1 wedding. 8 Industry-wide events.	0.70 miles
Mascheroni (Yellow-Dog Vineyard)	3998 Dry Creek Rd UPE10-0043 Approved 4/2011 (To date- not in operation)	No winery	Yes	20 w/ 50 guests maximum. 8 industry-wide events.	0.32 miles
Unti	4202 Dry Creek Rd UPE02-0039 Approved 10/2002	10,000	Yes	5 industry-wide events	0.08 miles
Wineries North of Project Site					
Chateau Diana	6195 Dry Creek Rd UPE05-0082 Approved 9/2008	15,000	Yes	No	1.8 miles
Truett Hurst	5610 Dry Creek Rd UPE05-0006 Approved 11/2006	40,000	Yes	30 w/200 guests maximum	1.3 miles
Forchini	5141 Dry Creek Rd UPE09-0032 Approved 10/2009	5,000	Yes	4 w/60 guests maximum. 7 Industry-wide events	0.80 miles
Dry Creek Coop of Family Wineries/Timber Crest Farms	4791 Dry Creek Rd UPE04-0148 Approved 5/2005	65,000	Yes	4 w/180 guests maximum	0.50 miles
Kachina	4551 Dry Creek Rd UPE07-0072 Approved 3/2008	2,500	No- Appt Only	12 w/30 guests maximum	0.15 miles
Lawton Rech Merle Winery – Ruby Dog LLC	4543 Dry Creek Road, Healdsburg Approved 4/2009. Extension of time Approved 11/2011. UP vested - determined by PRMD.	30,000	Yes	10 w/ 100 guests and 5 w/ 200 guests. Industry wide events allowed (# not specified)	0.15 miles

The site at Timber Crest Farms encompasses a variety of small businesses such as: custom-made sauce manufacturer, an olive oil company, wineries, tasting rooms and vineyard root stock companies.

Similar to findings made on recently approved projects, adding more winery and tasting room along Dry Creek Road does not result in an overconcentration because the project generated traffic will not result in road access conflicts and would not exceed the level of service for Dry Creek Road, the project site is

located in a Zone 1 water area, and the building design is in character with the rural area. Also, this project was previously approved in 2007 with an extension of time approval in 2009. The request is being considered under the Economic Stimulus Ordinance.

Zoning Ordinance

The project site is zoned LIA (Land Intensive Agriculture). The purpose of LIA is stated as follows: *“To enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land; and to implement the provisions of the land intensive agriculture land use category of the General Plan and the policies of the agricultural resources element.”* The Use Permit request includes a winery and public tasting room with 12 agricultural promotional events (i.e. wine club dinners), two weddings, and two charitable events, and participation in industry wide events. In the LIA (Land Intensive Agriculture) zoning district of the Zoning Ordinance, Section 26-04-010(g); allows for processing and preparation of agricultural products. And, Section 26-04-010 (f); allows for:

“Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of general plan Policies AR-6d and AR-6g. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g)”;

Staff analysis: For past projects, agricultural promotional events including weddings have been found consistent with the agricultural zoning districts, including the LIA zoning district, if the events can be found to promote agricultural products grown or processed on the site. In addition, such events can be found compatible with surrounding agricultural activities if hours and the frequency of the events are limited and if there are no substantial noise or traffic impacts as a result of the activities. The project site is located directly off of Dry Creek Road, a well maintained county roadway. According to the Traffic Impact Study prepared by W-Trans, the traffic generated by the project would not cause traffic concerns or hazards. In terms of noise, mitigation incorporated into the project require that any amplified music or sound used during events at the winery would be controlled through the use of installed computerized amplification system affixed with a sound limiter to ensure noise levels do not exceed the Daytime Noise Standards in the General Plan.

Currently, the Zoning Ordinance does not limit the number of agricultural promotional events allowed on agricultural zoned parcels. Using the Winery Database prepared by PRMD staff, the average number of approved events at wineries in Sonoma County is 20 and the average number of attendees per event is 326 guests. The average number of cases produced per year for a winery in Sonoma County is 121,531 cases, with a maximum size of 4,900,000 cases.

Similar past projects in the County have been approved as it was found that agricultural promotional events, including weddings, if limited in frequency and size, are a compatible use for agricultural land because they are a marketing tool to insure the long term viability of wine sales and they promote the long-term viability of agriculture within the county. The special circumstances in this particular application include a determination that the project would not have traffic impacts; change the level of service, or create traffic hazards. Also, mitigation measures have been incorporated into the project to reduce potential exterior lighting under item 1 (Aesthetics) and noise impacts under item 11 (Noise) in this initial study checklist.

Throughout the County there are several sites in agricultural zoning districts where wedding events were approved, such as: Trentadue Winery, Armida Winery, Annadel 1880 Winery & Gardens, B.R. Cohn Winery, Cline Cellars, Flying Cloud Farm, Garden Valley Ranch, Compass Rose Gardens, Gloria Ferrer Winery, Hanna Winery, Kunde Winery, Mayo Family Winery, Paradise Winery, St. Francis Winery, Simi Winery, Viansa Winery, and Hammel Winery. Research indicated that several wineries were approved for “special events” without having to specify that several of the ‘special events’ are actually weddings or rehearsal dinners. But, currently several of these wineries website advertise wedding and rehearsal dinner venues.

Most importantly, the Traffic Impact Study prepared for the project by W-Trans, the level of service capacity along Dry Creek Road has not been exceeded. The project would not require the extension of sewer or water.

Furthermore, it must be demonstrated that the administration portion (e.g. office and conference rooms) of the winery facility is incidental in size and use to the primary wine production and storage use.

PRODUCTION

• Fermentation & Lab	5,310 sq.ft.
• Barrel Storage 1	5,000 sq.ft.
• <u>Barrel Storage 2</u>	3,200 sq.ft.
<u>Total Production =</u>	13,510 sq.ft.
15% = 2,027 sq.ft.	

OFFICE

• Ground Floor	154 sq.ft.
• <u>Second Floor</u> (270 + 760)	1,030 sq.ft.
<u>Total Office=</u>	1,184 sq.ft.

CONFERENCE

• Ground Floor	314 sq.ft.
• <u>Second Floor</u>	530 sq.ft.
<u>Total Conference=</u>	844 sq.ft.

TOTAL OFFICE & CONFERENCE 2,028 square feet total

Staff analysis:

The administrative uses related to the winery facility are within the 15% threshold and considered incidental to the wine production use.

Land Conservation Contract

The project site is under a prime Land Conservation Contract (Williamson Act contract). In order to comply with the contract, land must meet the following standards of the Sonoma County Uniform Rules:

- 1) The land must be devoted to an agricultural or open space use as defined in the Williamson Act. The County has required at least 50% of the land be devoted to agriculture or open space use to meet this standard.

Staff Analysis – the 40 acre parcel is planted in 36 acres of vines. Approximately 1.5 acres will be removed from production for construction of the proposed winery building, connecting driveways, parking areas, and lawn areas. However, .64 acres of vineyard can be replanted elsewhere on the site. Therefore, overall 87% of the site would remain under vineyard production.

- 2) The land must have a minimum parcel size of 10 acres for a Type 1 or 40 acres for a Type 2 contract.

Staff Analysis – the parcel is 40 acres in size under a prime (Type I) contract.

- 3) Compatible uses may be permitted provided that they are incidental to the primary use of the land for agriculture, listed in the County's Uniform Rules for Agricultural Preserves and meet the criteria for compatibility.

Staff Analysis – Incidental has been defined by the County to mean compatible uses may collectively occupy no more than 15% of the land area or five acres whichever is less. For the 40 acre parcel size, the 5 acre threshold would apply. The proposed building, connecting driveways, parking areas and lawn areas are considered compatible uses and encompass approximately 1.5 acres, well below the threshold.

"Compatible Use" is defined as any use determined by the county or city administering the preserve pursuant to sections 51231, 51238 or 51238.1 or by this act to be compatible with the agricultural, recreational, or open space use of land within the preserve and subject to contract. In addition, Section

51220.5 states that "cities and counties shall determine the types of uses to be deemed compatible in a manner which recognizes that a permanent or temporary population increase hinders or impairs agricultural operations."

The County's Uniform Rules list agricultural promotional events as a "compatible use" for land under an agricultural contract under the following circumstances:

- When directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, and,
- Events last no longer than two consecutive days and do not provide overnight accommodations, and,
- No permanent structure dedicated to events is constructed or maintained on the contracted land.

The proposed events are considered agricultural promotional events according to the current County interpretation and broken down into three categories by the applicant:

- Two Weddings
- 12 Agricultural Promotional marketing events (e.g. wine club dinners, barrel tastings, wine and food pairings, etc.)
- Two Charitable Benefit dinners

Staff Analysis: Events would not last longer than two consecutive days. No lodging is provided, and no permanent structure would be constructed devoted to event-use. The agricultural promotional events, charitable events, weddings, and industry-wide events would take place inside the winery/tasting room building or outdoors west of the winery/tasting room building.

The project must also be found consistent with the Land Conservation Act (Williamson Act). Staff has prepared the following analysis to address the findings required by the applicable Sections of the Act.

Section 51201 (e) of the Land Conservation Act defines "Compatible Use" as any use determined by the county or city administering the preserve pursuant to sections 51231, 51238 or 51238.1 or by the Act to be compatible with the agricultural, recreational, or open space use of land within the preserve and subject to contract. In addition, Section 51220.5 states that "cities and counties shall determine the types of uses to be deemed compatible in a manner which recognizes that a permanent or temporary population increase hinders or impairs agricultural operations."

Staff analysis: Consistent with Section 51220.5, the County's Uniform Rules consider agricultural promotional events, even weddings, a compatible use in association with an on-site agricultural use because they are a marketing tool for sales of an agricultural product and promote the long-term viability of agriculture within the county. In these cases, events require a Use Permit which limit the frequency and size (# of guests) of events and incorporate conditions into the Use Permit to prevent conflicts with on-site and surrounding agricultural operations.

Section 51238.1 of the Williamson Act states, "*Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:*

(1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted land in agricultural preserves.

(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use."

Staff Analysis: The proposed use is a winery to process grapes grown on the site. The weddings and agricultural promotional events do not compromise agricultural capability because they are marketing tools to help sell wine produced on site and ensure the long term viability of the vineyard and winery. The

quality violation? _____ X _____

Comment:

3.b Less Than Significant Impact. The project is within the jurisdiction of the Northern Sonoma County Air Pollution Control District (NSCAPCD). The NSCAPCD does not have an adopted air quality plan. Typically, air quality emissions focus on “criteria pollutants”: ozone precursors, carbon monoxide, sulfur dioxide and particulates (PM₁₀ and PM_{2.5}). The pollutants NO_x (nitrogen oxides) and hydrocarbons form ozone in the atmosphere in the presence of sunlight. The principal source of ozone precursors is vehicle emissions, although stationary internal combustion engines must also be considered. State and federal standards have been established for A criteria pollutants@: ozone precursors, carbon monoxide, sulfur dioxide and particulates (PM₁₀ and PM_{2.5}). The pollutants NO_x (nitrogen oxides) and hydrocarbons form ozone in the atmosphere in the presence of sunlight. Significance thresholds for ozone precursors, carbon monoxide and particulates have been established by the Bay Area Air Quality Management District (BAAQMD) but not by NSCAPCD.

The principal source of ozone precursors is vehicle emissions, although stationary internal combustion engines must also be considered. BAAQMD generally does not recommend detailed NO_x and hydrocarbon air quality analysis for projects generating less than 2,000 vehicle trips per day. Given the low traffic generation of the project relative to the screening criteria, ozone precursor emissions would be less than significant.

Detailed air quality analysis for carbon monoxide is generally not recommended unless a project would generate 10,000 or more vehicle trips a day, or contribute more than 100 vehicles per hour to intersections operating at LOS D, E or F with project traffic. Given the low traffic generation of the project relative to the screening criteria, carbon monoxide emissions would be less than significant.

Based on the traffic analysis prepared by traffic engineers with W-Trans (dated August 2013), it’s anticipated that the proposed new winery including the tasting room would have a total of five employees, each generating an average of three trips per day. Truck traffic associated with winery operations is expected to consist of less than one trip per day, on average. An average of 38 visitors per day is expected for tasting, generating 30 trips daily assuming average vehicle occupancy of 2.5 visitors per vehicle. As shown in Table 1, the proposed project’s traffic generated by the winery and public tasting room is estimated to generate an average of 50 vehicle trips per day.

**Table I
Trip Generation Summary**

Trip Type	Average Daily Trips		
	Unit	Rate	Trips
Employees	5	3.0	15
Tasting Visitors	38	0.8	30
Tasting Room Employees	1	3.0	3
Trucks	1	2.0	2
Total			50

(Table prepared by W-Trans)

For the Special Events:

The 100-person event would require a staff of six. Using an occupancy of 2.5 vehicles per guests and solo occupancy for staff, a maximum sized event would be expected to generate 92 trip ends at the driveway, including 46 inbound trips at the start of the event and 46 outbound trips. Therefore, given the low traffic generation of the overall project (142 average daily trips) relative to the screening criteria, ozone precursor emissions would be less than significant. Detailed air quality analysis for carbon monoxide is generally not recommended unless a project would generate 10,000 or more vehicle trips a day, or contribute more than 100 vehicles per hour to intersections operating at LOS D, E or F with project traffic. Given the very low traffic generation of the project relative to the screening criteria and given that this stretch of Dry Creek Road operates at a generally high level of service, carbon monoxide emissions would be less than significant.

Wood smoke from fireplaces and wood stoves are sources of pollutants receiving increasing scrutiny and generating numerous complaints. Although constituting a very small percentage of the total PM₁₀ emissions on an annual basis, wood smoke is a major contributor to reduced visibility and reduced air quality on winter evenings in both urban and rural areas. Sonoma County building regulations restrict fireplaces to natural gas fireplaces, pellet stoves and EPA-Certified wood burning fireplaces or stoves. With the restriction on fireplace design, this would be a less than significant impact.

Mitigation: None required.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

_____ X _____

Comment:

3.c Less Than Significant with Mitigation Incorporated: The project will not have a significant long-term effect on PM₁₀, because all disturbed surfaces will be paved or landscaped, and dust generation related to ongoing activities at the project site will be insignificant.

See item 3.b, above, for a discussion of ozone.

However, there could be a significant short-term emission of dust (which would include PM₁₀) during building pad preparation of the winery and special events area, construction of the new driveways and parking areas, and installation of utilities. These emissions could be significant at the project level, and would also contribute to a cumulative impact. The impact would be reduced to less than significant by including dust control as described in the following mitigation measure:

Mitigation Measure 3.c. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. Consistent with BAAQMD guidance, the following measures shall be implemented by the permit holder on the project site during the construction period:

- a. Water all active construction areas at least twice daily
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- e. Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas.
- f. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles dirt, sand, etc.
- g. Limit traffic speeds on unpaved access roads to 15 mph.
- h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- i. Replant vegetation and ground cover in disturbed areas as quickly as possible. The Permit Holder shall be responsible for controlling dust and debris during all construction phases. The following dust control measures shall be followed during construction:

Mitigation Monitoring 3.c. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it's determined by PRMD staff that complaints are warranted, the Permit Holder shall implement greater or additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

d) Expose sensitive receptors to substantial pollutant concentrations? _____ X _____

Comment:

3.d Less Than Significant Impact. Sensitive receptors are facilities or locations where people may be particularly sensitive to air pollutants such as children, the elderly or people with illnesses. These uses include schools, playgrounds, hospitals, convalescent facilities and residential areas. The project site is in a rural residential and agricultural area, and is not situated near a school or other sensitive receptors. Further, winery processes do not involve activities or equipment (i.e., stationary or point sources) that generate substantial pollutant concentrations. There may, however, be significant dust emissions related to site preparation and construction activities. Dust emissions will be reduced to less than significant levels by the mitigation measure described in item 3.c, above.

Mitigation: None required.

e) Create objectionable odors affecting a substantial number of people? _____ X _____

Comment:

3.e Less Than Significant Impact: Wineries seasonally generate odors associated with the crushing and fermenting of fruit. These odors are relatively short-term and mild. Local Air Board's typically receive complaints about winery odors only when grape residues (pomace) is burned. However, the processing of grapes requires the long-term management of grape residues. The project site is 40 acres and the intention is disc the grape pomace back into the soil. To reduce potential odor impacts caused by grape residue to a less-than significant level, the following standard condition has been incorporated into the project as follows:

Mitigation Measure 3.e. If pomace is to be disposed of, it shall be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:

1. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
2. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
3. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring 3.e. If the Permit and Resource Management Department receives complaints regarding objectionable odors from pomace stockpiling and/or disposal, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

_____ _____ X _____

Comment:

4.a Less Than Significant Impact. (Refer to discussion below in item 4.b.) The rear property line boundary of the project site borders along Dry Creek. The Open Space Map for Planning Area 3 of the General Plan designates this area of the project site as designated BR (Biotic Resource) and F1 and 2 combining districts because it borders Dry Creek. No removal of vegetation or work along Dry Creek is proposed with this project. All of Dry Creek requires a 100-foot setback for development. The winery development is located in the front half of the project site and over 2,100 feet from the edge of Dry Creek.

Currently, PRMD has begun the County-wide Zoning Code Amendment process to implement the General Plan’s stream protection policies. The new Riparian Corridor (RC) Zone is being proposed which intended to make setback information more readily available to public by applying the stream setback distance to the zoning of each parcel.

The General Plan specifically states that all lands within Streamside Conservation Areas be included in zoning. The Streamside Conservation Areas range from 50 to 200 feet from the top of bank, depending upon the type of stream and whether the area is urban or rural. As a result of this separate County-wide process, the project site will eventually be rezoned to include the Riparian Corridor (RC) zoning overlay with a 100-foot setback from top of bank for all of Dry Creek and a 50-foot setback for the seasonal stream that bisects the front portion of the project site. This rezoning would not have any effect on the proposed winery development since it is located in the front half of the parcel.

Research of the California Natural Diversity Database (CNDDDB), the project does not contain any special status plant or animal species. Also, the project site is located outside of the designated CTS (California Tiger Salamander) area. Vegetation on the site consists primarily of vineyard on 36 acres of the 40- acre project site, along with a few scattered oak trees and riparian vegetation along the banks of Dry Creek, and scattered oak and walnut trees along the seasonal stream. There are no wetlands or special status plant or animal species on the project site. There are no known special status species on or adjacent to the project site, and none are listed on according to the State’s Diversity Database. The project site contains a large commercial vineyard and vineyard roads.

A project referral was sent to the State Department of Fish and Game, who indicated that the project may result to changes in fish and wildlife resources, and that use of a *de minimis* environmental finding would be inappropriate for this project. The Agency also indicated that any work within or near the riparian corridor would require appropriate State permitting. No development work is proposed in or near the banks of Dry Creek, however, the project’s driveway crosses a small seasonal stream. The existing stream crossing would have to be improved and widened to meet commercial standards for the winery and tasting room uses (refer to discussion in item 4.b. below). There is no alternative driveway on the project site that would not require crossing the seasonal stream. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. Through

the permitting processes required with PRMD, North Coast Regional Board, and State Department of Fish and Wildlife for the stream crossings, the project is not expected to have a substantial adverse effect on any special status specie.

Mitigation: None required.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? _____ X _____ _____

Comment:

4.b Less Than Significant Impact with Mitigation Incorporated. The project site does contain riparian habitat associated with Dry Creek; however, the proposed winery development is situated in the front portion of the project site, approximately 2,100 feet east of Dry Creek. A 100-foot building setback is required for all of Dry Creek. A seasonal stream crosses the front half of the parcel leading to Dry Creek. A 50-foot building setback is required for the seasonal stream. Currently, the existing driveway crosses the seasonal stream via an existing culvert. The existing driveway is used by grape trucks exporting grapes off site for processing and by employee vehicles for vineyard maintenance. According the project's engineer, the existing driveway and stream crossing would have to be widened and improved in order to meet commercial standards required for the project. Also, a foot bridge over the stream is proposed for pedestrian traffic from the front parking area to the winery building.

The General Plan contains the following policies to preserve riparian habitat:

“OS-5h: Roadway construction should seek to minimize damage to riparian areas.”

“CT-1k: Where practical, locate and design circulation improvements to minimize disturbance of biological resource areas and destruction of trees.”

The seasonal stream transverses the entire width of the project site so there is no other alternative driveway location that wouldn't require a stream-crossing. Using the existing driveway off of Dry Creek Road for the winery project is appropriate since it's been used for the vineyard operations and traffic. Even if the winery development was pushed forward, the stream crossing would be maintained for the existing vineyard operations. Also, relocating the winery building to the front portion of the parcel would push it into the Scenic Corridor setback which is to be avoided, if possible. A referral was sent to the North Coast Regional Water Quality Control Board and State Fish and Wildlife Department State Department of Fish and Wildlife responded that any activity or change to the bed of a stream may require a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) pursuant to the Fish and Game Code. Widening and improving the existing driveway over the seasonal stream will require permits from these two state agencies. However, most likely the driveway improvements would not require a 404 permit from the Army Corp of Engineers because the seasonal stream does not meet the definition of a “navigable water, as listed below, defined:

“Navigable waters, as defined by the US Army Corps of Engineers as codified under 33 CFR 329, are those waters that are subject to the ebb and flow of the tide, and those inland waters that are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.”

To ensure all the necessary permits are obtained for the stream crossings for improvements to the existing driveway and the new pedestrian bridge, the following mitigation measures have been incorporated into the project as follows:

Mitigation Measure 4.b.(1): Prior to issuance of any grading or building permit, the applicant shall obtain all necessary permits or waivers for the proposed work in or near a waterway, specifically, the stream crossing necessary for the project's driveway and pedestrian bridge. Any stream crossing requires plans prepared by a Registered Civil Engineer. Besides a grading permit from PRMD, all applicable permits

must be obtained from the State Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) and the North Coast Regional Water Quality Control Board for a 401 Water Quality Certification (401 Certification) 404 Permit. The applicant shall implement the following Best Management Practices with any work in or near the stream, to include, but not limited to, the following:

1. Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.
2. Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation the lowest structural component.
3. For any culvert or bridge crossings, silt fencing shall be installed prior to any grading activities. Silt fence consists of synthetic filter fabric (also called a geotextile)] and shall be installed around the periphery of the work area with openings provided for construction crew and equipment access only. This temporary fencing will prevent construction debris from entering the streambed.
4. Proper erosion control and other water quality Best Management Practices (BMPs) shall be implemented to avoid sedimentation and disturbance in the streambed and downstream.
5. All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and in a manner that will prevent potential runoff of petroleum products into the adjacent streambed. During construction, oil-absorbent and spill containment materials shall be on site at all time. All construction workers shall be properly trained and informed of how to use and where to find on site the oil-absorbent and spill-containment materials.
6. Following construction each day, trash and construction debris shall be removed from the stream crossing area.
7. Only the minimum amount of vegetation will be pruned or removed that is necessary to install the culverts or bridges at the stream-crossing. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Root systems shall only be unearthed when necessary.

Mitigation Monitoring: PRMD shall not issue any grading or building permits, until the applicant has provided copies of all required permits from the State Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board, and any documentation deemed necessary by the Grading & Storm Water Section of the Permit and Resource Management Department.

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

Comment:

4.c Less Than Significant Impact. (See discussion and mitigation above, under item 4.b). The site is developed almost entirely planted in vineyards and there are no known wetlands on-site.

Mitigation: None required.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? _____ X _____

Comment:

4.d Less Than Significant Impact. (See discussion and mitigation above, under item 4.b). The project site has been disturbed with the cultivation of vineyard Migratory wildlife corridors generally include riparian areas and connected open space areas adjacent to urban centers. The seasonal creek does not

contain any migratory fish or support migratory animals as it does not have the capacity to support such habitat and it's surrounded on three sides by vineyards and fourth side by Dry Creek Road. A majority of the project site is planted in vineyard and in the area close to the proposed winery development it does not provide suitable habitat for nesting migratory song birds or raptors. The proposed winery development will be 2,100 feet from Dry Creek.

Mitigation: None required.

- e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? _____ X _____

Comment:

4.e Less Than Significant Impact. Based on the proposed site plan, the winery development would not result in removal of any trees. However, an existing 18 inch Oak tree on the stream bank would have to be removed or if possible, replanted elsewhere on the site, for the widening of the existing driveway. At preliminary design review, the Design Review Committee already made the recommendation to use native planting also the seasonal stream. Tree removals are regulated by the Tree Protection and Replacement Ordinance (Section 26C-88-010(m) and through the Design Review process. All proposed tree removals must be shown on grading and building plans and trees replaced consistent with Ordinance requirements and Design Review conditions of approval. There is no known Heritage or Landmark Tree on the project site.

Mitigation: None required.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat conservation plan? _____ X _____

Comment:

4.f No Impact. Habitat conservation plans and natural community conservation plans are site-specific plans to address take of listed species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan.

Mitigation: None required.

5. CULTURAL RESOURCES	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?		_____	_____	<u> X </u>	_____

Comment:

5.a Less Than Significant Impact. A cultural resources survey was conducted for the project area (Tom Origer & Associates, September 2, 2005). The survey included an archival records review and an on-site investigation of the property, focused in the areas of the proposed winery. A less intensive investigation was done by sampling other areas of the project site. No prehistoric or historic cultural resources were identified in the study area or through the archival research, though the site may contain undiscovered historic resources. There have been no changes to the project site or proposed winery development since the 2005 study was completed. A majority of the 40-acre project site remains planted in vineyard. See mitigation under item 5.b, below.

Mitigation: None required.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? _____ X _____

Comment:

5.b Less Than Significant Impact. (See item 5.a, above). While there are no known archaeological or historical resources on the project site, a standard accidental discovery clause is recommended due to the presence of the nearby Dry Creek. The winery development is located 2,100 feet from Dry Creek. It is possible that materials could be found during site construction, and a condition has been placed on the project to reduce potential impacts to less than significant level, as follows:

The following notes shall be included on building or grading plans for ground disturbing activities:

“If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). 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 features include hearths, firepits, or house floor depressions whereas typical mortuary features 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. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. 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 proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice.”

“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 and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” can be designated.”

Mitigation: None required.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? _____ X _____

Comment:

5.c No Impact. There are no unique geological features on the property that would be impacted by the proposed project. The geology of the site and the nature of the development project make it extremely unlikely that paleontological resources would be encountered or destroyed.

Mitigation: None required.

- d) Disturb any human remains, including those interred outside of formal cemeteries? _____ X _____

Comment:

5.d No Impact. No burial sites are known in the vicinity of the project. In the event that human remains are unearthed during construction, state law requires that the County Coroner be contacted in accordance with Section 7050.5 of the State Health and Safety Code to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity would cease until the Coroner

permitted work to proceed. If the remains were determined to be native American interment, the Coroner will follow the procedure outlined in CEQA Guidelines Section 15065.5(e).

Mitigation: None required.

6. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

l) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

_____	_____	_____X_____	_____
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Comment:

6.a.i Less Than Significant Impact. The project site is not located within an Alquist Priolo Earthquake Fault zone, and this impact will be less than significant.

Mitigation: None required.

ii) Strong seismic ground shaking?	_____	_____	_____X_____
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Comment:

6.a.ii Less Than Significant Impact. All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. According to General Plan this site is subject to a high risk of liquefaction during a seismic event. Predicting seismic events is not possible, nor is providing mitigation that can entirely reduce the potential for injury and damage that can occur during a seismic event. However, using accepted geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of the winery building is subject to load and strength standards of the California Building Code (CBC), which take seismic shaking into account. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. The design and construction of the project's proposed structures will be subject to load and strength standards of the California Building Code (CBC), which take seismic shaking into account. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements.

Mitigation: None required.

iii) Seismic-related ground failure, including liquefaction?	_____	_____	_____X_____
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6.a.iii Less Than Significant Impact. See discussion above, under items 6.a.i and ii. County geologic maps indicate that the site is located in an area with unconsolidated alluviums, with varying degrees of liquefaction potential. All structures will be required to meet County and State seismic safety standards and soil test/compaction requirements. Based on this standard permitting requirement, the project will have no significant risk of loss, injury or death from seismic ground failure or liquefaction.

Mitigation: None required.

iv) Landslides? _____ X _____

Comment:

6.a.iv Less than Significant Impact. According to the Sonoma County Slope Stability, Special Report 120 Map (CA Divisions of Mines and Geology), the project site is located in the “A” slope stability areas, which are defined as stable areas. The proposed development would be required to be designed to meet current California Building Code requirements. County geologic maps indicate that the generally flat project site and surrounding lands are not subject to landslide hazards, making the potential impact related to landslide hazards to less than significant.

Mitigation: None required.

b) Result in substantial soil erosion or the loss of topsoil? _____ X _____

Comment:

6.b Less Than Significant Impact. The project includes grading, cuts and fills which require the issuance of a grading permit. Unregulated grading, both during and post construction, has the potential to increase the volume of runoff from a site which could have adverse downstream flooding and further erosion impacts, and increase soil erosion on and off site which could adversely impact downstream water quality.

However, in regard to potential water quantity impacts, County grading ordinance design and adopted best management practices require that storm water facilities be engineered to treat storm events and associated runoff to the 85 percentile storm event. Adopted flow control best management practices must be designed to treat storm events and associated runoff to the channel forming discharge storm event, which is commonly referred to as the two year storm event. Required inspection by County inspectors insures that all work is constructed according to the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential project water quantity impacts at a less than significant level during and post construction.

In regards to water quality impacts, County grading ordinance design requirements, adopted County grading standards and best management practices (such as silt fencing, straw wattles, construction entrances to control soil discharges, primary and secondary containment areas for petroleum products, paints, lime and other materials of concern, etc.), mandated limitations on work in wet weather, and standard grading inspection requirements, are specifically designed to maintain potential water quality impacts at a less than significant level during project construction.

For post construction water quality impacts, adopted grading permit standards and best management practices require creation of areas that allow storm water to be detained, infiltrated, or retained for later use. Other adopted water quality best management practices include storm water treatment devices based on filtering, settling or removing pollutants. These construction standards are specifically designed to maintain potential water quality grading impacts at a less than significant level post construction.

The County adopted grading ordinances and standards and related conditions of approval which enforce them are specific, and also require compliance with all standards and regulations adopted by the State and Regional Water Quality Control Board, such as the Standard Urban Storm Water Mitigation Plan (SUSMP) requirements, Low Impact Development (LID) and any other adopted best management practices. Therefore, no significant adverse soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that need to be met. See further discussion of related issues (such as maintenance of required post construction water quality facilities) under Section 8 Hydrology and Water Quality.

Mitigation: None required.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Comment:

6.c Less than Significant Impact. All of Sonoma County is subject to seismic shaking. The Sonoma County Seismic Shaking and Tsunami Special Report 120 map (CA Divisions of Mines and Geology) indicated the project site is located in a liquefaction area, but not in an Alquist-Priolo Special Study Zone. The project development would require Building and Grading permits to ensure erosion control measures to ensure that soils will remain stable.

Mitigation: None required.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Comment:

6.d Less than Significant Impact. Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. There is no indication the project site contains expansive soils. No substantial risks to life or property are expected.

Mitigation: None required.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Comment:

6.e Less Than Significant Impact. The project site is not in an area served by public sewer. Preliminary review by the project applicant and PRMD Project Review Health Specialist indicates that the soils on site would likely support the necessary septic system for the winery, including a reserve leach field area, and for the domestic wastewater septic system. The project engineer, Atterbury & Associates, filed for review and approval septic system plan for a proposed Mound engineered septic system to serve the winery project (SEP10-0246). However, the Septic Permit cannot be issued until a decision has been made on the reactivation of the Use Permit (PLP05-0062). Standard conditions of project approval would apply to ensure soils are capable of supporting use of the proposed septic system.

Mitigation: None required.

7. GREENHOUSE GAS EMISSIONS:	Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant	No Significant Impact
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- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Comment:

7. a. Less than Significant Impact. Greenhouse gases trap heat in the atmosphere. Increases in greenhouse gases due to human activity are associated with Global Climate Change (aka "Global Warming"), that is, the change in the average weather on earth, as measured by wind patterns, storms,

precipitation and temperature. The primary greenhouse gases are CO₂, methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). Considered the most important greenhouse gas, CO₂ is the reference gas for climate change and emissions of greenhouse gases in general are often reported as CO₂ equivalents (CO₂e).

The California Air Resources Board ("CARB") is required by the Global Warming Solutions Act of 2006 to design and implement emissions limits, regulations, and other statewide measures to reduce statewide greenhouse gas emissions to 1990 levels by 2020. The Act does not indicate what role local land use planning should play in the statewide strategy or how environmental review under CEQA is implicated. In October, 2007, CARB published the Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California Recommended for Board Consideration. None of the early action measures address how local agencies should address greenhouse gas emissions associated with land use applications.

The Bay Area Air Quality Management District drafted a significance threshold of 1,100 metric tons of CO₂e per year for determining the project's GHG emissions impact. That draft threshold was adopted by BAAQMD in June 2010, but called into question by an order issued March 5, 2012, in *California Building Industry Association v. BAAQMD* (Alameda Superior Court Case No. RG10548693). The order requires BAAQMD to set aside its approval of all the significance thresholds adopted in June 2010 until it has conducted further environmental review under CEQA. However, the claims made in the case concerned the environmental impacts of adopting the thresholds, that is, how the thresholds would indirectly affect land use development patterns. Those issues are not relevant to the scientific soundness of the BAAQMD's analysis of what levels of GHG emissions should be deemed significant.

While this project is located outside of the BAAQMD, the County agrees that the GHG emissions threshold is supported by substantial evidence. Moreover, the threshold will not cause any indirect impact in terms of land use development patterns insofar as this project is concerned, because the proposal to develop the winery and tasting room facility was not influenced by the BAAQMD thresholds. Accordingly, the County as lead agency has elected to continue to use a GHG emissions threshold of 1,100 metric tons of CO₂e per year to evaluate project emissions.

The Community Climate Action Plan has provided the following four major categories of solutions that will reduce greenhouse gases if they are implemented: (1) improve efficiency in energy and water use, (2) shift transportation from fossil fuel vehicles to transit, walking, bicycling, etc. (3) invest in local renewable energy sources, and (4) protect forests and farmlands, sequester carbon, and convert waste into energy. As noted below some of these strategies are already required. Additional measures will be conditioned based on voluntary compliance by the applicant. Mandated and voluntary compliance will ensure compliance with federal, state, and, local greenhouse gas reduction targets.

For purposes of the Mitigated Negative Declaration, the project would be considered to have a significant impact on greenhouse gases if it would conflict with the state goal of reducing greenhouse gas emissions in California to 1990 levels by 2020, as set forth by the California Global Warming Solutions Act of 2006.

In comparison, a recently approved winery project with a much larger case capacity and a building sizes (100,000 cases per year/32,000 sf) was determined to be well below the state's threshold. A Greenhouse Gas Emissions analysis was prepared for this project by URS Corporation. That project was for a winery with a maximum annual production capacity of 100,000 cases, along with a public tasting room and with agricultural promotional events and weddings (PLP12-0009). In this case, URS calculated the operation-related GHG emissions for that winery, at build out, to be 277.3 unmitigated metric tons of CO₂e per year. Emissions would be generated by vehicle exhaust, landscape maintenance equipment, natural gas, electricity, and propane consumption, water use, solid waste generation, refrigeration use, and alcohol fermentation. Here, even with a much larger winery project than that proposed under this project filed under PLP05-0062, the expected operation emissions would be less than the BAAQMD's operational threshold of 1,100 metric tons of CO₂e per year.

Nonetheless, the proposed winery building must continue with being built in compliance with the California

Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements. These include, but not limited to,

- Designated parking for fuel efficient vehicles (min. of 10 % of parking)
- Cool roofs that meet thermal emittance and solar reflectance standards
- A 30 percent reduction in indoor potable water use
- Outdoor potable water use not to exceed 60 percent of acceptable rates
- Recycled content of 10 percent of materials used
- Construction waste reduction of 65 percent, and
- Thermal insulation that meets low emitting materials standards.

The project is required to meet the WELO (Water Efficient Landscape Ordinance). In addition, the project development must meet the CALGreen Tier 1 standards using technologies that include, but not limited to, passive solar design, natural lighting and ventilation, hydrozone irrigation techniques, low flush toilets, disc grape pomace back into the on-site vineyard, and permeable hardscapes. Therefore, all things considered the proposed project is well below the thresholds established statewide and considered a less than significant impact.

Mitigation: None required

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

_____ X _____

Comment:

7.b. Less than Significant Impact: Regarding local efforts on GHG reductions, the Sonoma County Board of Supervisors adopted the Sonoma County Climate Protection Campaign which sets a target to reduce GHG emissions to 25% below 1990 levels by the year 2015. This is included as Objective OSRC 14.4 in the Open Space and Resource Conservation Element of GP2020. Policy OS-14g requires development of a program with a methodology to measure the baseline in 1990 and to establish the means to achieve the object.

The County has completed the first two of five steps in the campaign. The next step is to complete the Community Climate Action Plan (the blueprint to help Sonoma County achieve this emissions target) and then implement the actions in the Plan and develop an on-going monitoring process to ensure that the County meets its reduction target.

As explained in item 7.a. above in this initial study, the overall project's expected operation emissions would be far less than the BAAQMD's operational threshold of 1,100 metric tons of CO2e per year. The proposed project is well below the thresholds established statewide and considered a less than significant impact and mitigation is not required.

Mitigation: None required.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

_____ X _____

Comment:

8.a Less Than Significant Impact with Mitigation Incorporated: The project consists of a winery (agricultural processing facility) with an associated tasting room and limited special events. The processing and fermentation of the grapes into wine includes the use and maintenance of machinery and equipment that require the transport, use, and disposal of hazardous materials (e.g., oils, diesel, solvents, lubricants, etc.). The vineyard operation requires the use and storage of pesticides and herbicides on the project site. The Sonoma County Agricultural Commissioner's Office regulates the storage and use of herbicides and pesticides by requiring the annual issuance of a Pesticide I.D. and classes be taken by persons applying such hazardous materials for agricultural uses such as vineyard operations.

The project in of itself is a type of land use that does not produce or generate hazardous materials. The County Emergency Fire Service regulates storage and use of flammable materials associated with wineries. The County Environmental Health Specialist requires that the project applicant submit copies of updated permits. These regulatory agencies apply conditions to building permits that ensure the storage and use of any hazardous waste associated with the winery would not create a hazard. Therefore, to ensure the project construction would have a less-than significant impact regarding use or storage of hazardous materials, the following mitigation shall be incorporated into the project:

Mitigation Measure 8.a.: NOTE ON GRADING AND BUILDING PLANS: During all construction activities, any storage of flammable liquids shall be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters.

In the event of a spill of hazardous materials the Project Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters.

During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code. A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains. Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill. Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.

Mitigation Monitoring 8.a: The Permit and Resource Management Department shall not issue a grading permit or building permit for the winery development until the above notes are printed on the building and grading plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

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

_____ X _____

Comment:

8.b Less Than Significant Impact. The project is not expected to involve significant use of hazardous materials, and therefore would have an unlikely potential impact involving release of hazardous materials. See discussion under item 7.a, above, regarding regulation of hazardous materials at the planned winery. The project would not generate or produce hazardous materials. Hazardous materials (diesel fuels, solvents, oils, etc.) are contained in products used on site for use and maintenance of equipment and machinery. The use, storage, and transport of such products are controlled by the local Certified Unified Program Agency (CUPA). The vineyard operation is not part of this review, but use of pesticides and herbicides are regulated by the Sonoma County Agricultural Commissioner's Office. Appropriate permit

approval must be submitted to the Environmental Health Specialist - Project Review prior to initiation of the use. Therefore, the project would have a less than significant impact involving release of hazardous materials into the environment.

Mitigation: None required.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? _____ X _____

Comment:

8.c Less Than Significant Impact. The project is not located within one-quarter mile of a school, nor would the proposed winery include emission of hazardous materials or substances. See item 7.a, above, regarding regulation of hazardous materials at the planned winery.

Mitigation: None required.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? _____ X _____

Comment:

8.d No Impact. The project site is not included on lists of sites containing hazardous materials that are maintained by the California Water Resources Control Board, California Department of Toxic Substances Control or California Integrated Waste Management Board.

Mitigation: None required.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? _____ X _____

Comment:

8.e No Impact. The site is not within an airport land use plan as designated by Sonoma County.

Mitigation: None required.

- f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? _____ X _____

Comment:

8.f Less Than Significant Impact. The project site is located approximately one mile west of the Healdsburg Municipal Airport. However, the proposed winery construction and use is not expected to result in any adverse impacts that may create a safety hazard for people working within the project area.

Mitigation: None required.

- g) Impair implementation of or physically interfere

with an adopted emergency response plan or emergency evacuation plan? _____ X

Comment:

8.g No Impact. The project would not impair implementation of or physically interfere with the County's adopted Emergency Operations Plan. There is no separate emergency evacuation plan for the County. The project would not change existing circulation patterns and would have no effect on emergency response routes. See item 15.e, below, for discussion of emergency access.

Mitigation: None required.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? _____ X

Comment:

8.h Less Than Significant Impact. The project is designated by the California Department of Forestry and Fire Prevention (CDF) as an area that is at risk of high wildland fire hazards. The County Fire Marshal's fire safe requirements will require the new structures to be installed with fire sprinklers and the intent is to contain or prevent fires from spreading from structures to wildlands fires. In addition, the fire safe requirements will ensure that the project would reduce the exposure of people and property to fire hazards to a degree the risk of injury or damage is insignificant. The project would not expose people to risk from wildland fires.

Mitigation: None required.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	_____	_____	<u> X </u>	_____

Comment:

9.a Less Than Significant Impact. As previously described, erosion control measures discussed under item 6.b, above, will reduce the potential for site run-off and sedimentation related to development of proposed project. While the project site plan indicates a lesser-area of disturbance, should development areas and ground disturbance exceed one acre or more, construction activities will be subject to the requirements of the State Water Resources Control Board – General Permit for Construction Projects, as well as the Drainage Review Section of PRMD. These plans require construction site erosion/sediment controls that will help to prevent erosion and thus keep sediment from entering the seasonal stream

In terms of waste water discharge, the project site is not served by public sewer. Preliminary review by the project applicant and PRMD Project Review Health Specialist indicates that the soils on site would likely support the necessary septic system for the winery, including a reserve leach field area, and for the domestic wastewater septic system. The project engineer, Atterbury & Associates, filed for review and approval septic system plan for a proposed Mound engineered septic system to serve the winery project (SEP10-0246). However, the Septic Permit cannot be issued until a decision has been made on the reactivation of the Use Permit (PLP05-0062). The winery's Mound system would be under the PRMD's Monitoring program for all engineered septic systems. The operation of the wastewater system must be in accordance with County and State wastewater treatment and disposal requirements and through the annual monitoring program by PRMD staff and the applicant, it will ensure the winery's wastewater discharge will not violate water quality standards.

Mitigation: None required.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?

_____ X _____

Comment:

9.b Less Than Significant Impact. The project is located within the Dry Creek watershed and lies within the General Plan Zone 1 Groundwater Availability Area. The project sites lies outside of the Dry Creek Valley groundwater basin recharge area (Department of Water Resources, Evaluation of Ground Water Resources: Dry Creek Valley, Sonoma County, Bulletin 118-4, Volume 1, 1975). Because the project site is not located in a marginal or water scarce area (Zone 3 or 4) a groundwater study is not required by the Environmental Health Specialist of Project Review.

The project will develop a new water supply well within the developed area. This well will be constructed with an annular seal to comply with the State's public water supply standard. Due to the limited size of the project, it is not expected that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level resulting from the project.

Mitigation: None required.

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

_____ X _____

Comment:

9.c Less Than Significant Impact. There will be no modification of an existing waterway, nor would the project create runoff that would result in off-site or on-site flooding. On-site drainage patterns will not be substantially altered by the project. A culvert or bridge improvement will be installed at the existing driveway's crossing over a seasonal drainage channel near the front portion of the project site. The project was reviewed by the Sonoma County PRMD Drainage Review Section. Grading and drainage improvement plans will be reviewed and approved by PRMD prior to the issuance of any development permits. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. These preventative measures include, but not limited to, prohibiting any tracking of soil or construction debris into the public right-of-way or drainages. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. Erosion and sediment control measures are required to be included in the plans, limiting possible drainage impacts. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Any waste water conveyance system shall not be allowed to be combined with the storm water conveyance system. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be

permitted to enter the storm drain system without receiving appropriate treatment. Typically grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank. However, the seasonal stream on the project site a 50-foot setback is required. Before construction may begin near a waterway, a protective construction fence shall be placed at least 20 feet from the top of stream bank. The protective construction fence shall be shown and noted on the grading/site plans.

Mitigation: None required.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? _____ _____ X _____

Comment:

9.d Less Than Significant Impact. (See discussion under item 9.c, above). The project will not significantly alter drainage patterns on-site or in the general area, nor will it result in on- or off-site flooding. Improvements are proposed to the existing driveway crossing of the seasonal stream located in the front portion of the project site. The proposed winery development is located 2,100 feet from Dry Creek.

Mitigation: None required.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? _____ _____ X _____

Comment:

9.e Less Than Significant Impact. Through the Grading permit process and best management practices required to be implemented under this permit, the proposed development would not substantially alter drainage patterns or capacities of the project site, or result in substantial additional sources of polluted runoff. Development would only be permitted after review of engineered development plans by PRMD to ensure adequate management of stormwater runoff. The project will not involve use of hazardous materials that could enter area water courses.

Mitigation: None required.

- f) Otherwise substantially degrade water quality? _____ _____ X _____

Comment:

9.f Less Than Significant Impact. The project does not involve significant changes in the environment that could result in substantial degradation of site or area water quality. See discussion under item 6.b, above.

Mitigation: None required.

- g) Place housing within a 100-year hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? _____ _____ X _____

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? _____ _____ X _____

Comment:

9.g and 9.h Less Than Significant Impact. The project site is not classified as being within a 100-year floodplain. The winery building, parking areas, and septic system areas are located outside of any floodways, and the project would not impede or otherwise redirect flood flows. The F1 (Floodway) or F2 (Secondary Floodplain) overlay zoning designations are only located in the rear of the project site along Dry Creek. The winery development is located 2,100 feet from Dry Creek. The project does not include any housing development.

Mitigation: None required.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? _____ _____ X _____

Comment:

9.i No Impact. The project site is located south of the Warm Springs Dam. Warm Springs Dam regulates the headwaters of Dry Creek. It was built in 1982 and forms Lake Sonoma Reservoir which holds a water supply of 212,000 acre-feet and a flood pool of 130,000 acre-feet. The dam is located 4 kilometers from the Healdsburg fault, a northward extension of the Rodgers Creek fault, and 10 kilometers from the Maacama, 23 kilometers from the Hayward and 29 kilometers from the San Andreas Fault. It is owned by the US Army Corps of Engineers (USACE). Water supply releases from this dam are controlled by the Sonoma County Water Agency (SCWA), with the exception of water released for flood control, which is managed by the Corps. In September 2014, after the recent Napa earthquake (2014), engineers with the Army Corp of Engineers inspected the dam structure and determined the dam remains structurally sound with no damage from the recent earthquake. With the dam oversight and continued inspection by the Corp engineers, it's highly unlikely the project site would be significantly impacted by a failure of the Warm Springs Dam.

Mitigation: None required.

- j) Inundation by seiche, tsunami, or mudflow? _____ _____ _____ X

Comment:

9.j No Impact. The project site is located in Dry Creek Valley, not located in the coastal area which is an subject to seiche or tsunami hazards. Mudflows can be triggered by heavy rainfall, earthquakes or volcanic eruption in areas of hillside. The project site is located on the valley floor.

Mitigation: None required.

- | 10. LAND USE AND PLANNING Would the project: | Potentially Significant Impact | Less than Significant with Mitigation | Less than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community? | _____ | _____ | <u> X </u> | _____ |

Comment:

10.a Less Than Significant Impact. The project site lies in a rural residential and agricultural area outside of the community of Healdsburg. Development of the proposed winery would not divide the Healdsburg community. The project would not alter the parcel's ownership, nor reconfigure existing parcels or roadways. Therefore, the project would not physically divide an established community.

Mitigation: None required.

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

 X

Comment:

10.b Less Than Significant Impact. The project site is designated LIA (Land Intensive Agriculture) by the Sonoma County General Plan. The proposed project is consistent with General Plan goals, policies and objectives, which provide for agricultural operations and related activities. Key applicable General Plan goals and policies include:

Section 2.7.1: Identifies the purpose of the LIA designation as enhancing and protecting agricultural lands that may produce food, fiber and plant materials. LIA also provides for tasting rooms of agricultural products grown or produced in the County.

AR-4a: Recognizes the primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services and visitor serving uses.

Goal AR 5: Facilitate agricultural production by allowing certain agricultural support services to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural activity in the area.

Objective AR-5.1: Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land use categories.

Policy AR-5a: Provide for facilities that process agricultural commodities in all three agricultural land use categories. Establish standards and procedures in the zoning ordinance for permitting those facilities.

The proposed project is within an agricultural land use category (Land Intensive Agriculture) and includes an agricultural processing facility. The winery site is located in an area that includes extensive vineyard production, and would support such uses. The site's LIA zoning designation provides for the winery use subject to approval of a use permit. All necessary public services, including fire protection, will be available to support the proposed use.

The Zoning Ordinance also requires that agricultural processing facilities be subject to compliance with the following General Plan policies:

AR-5e and AR-6g: States that local concentrations of any commercial or industrial uses (or visitor serving uses), even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided or denied.

AR-5f: Permit storage facilities for agricultural products either grown or processed on the site. Size the facilities according to the processing operation.

There are many wineries with tasting rooms in the near vicinity. The proposed tasting room would require conversion of only three percent of the project site area devoted to vineyard use. The applicant has indicated that the winery building of approximately 15,000 square feet would house most phases of the wine production, including grape crush, fermentation, bottling, storage and sales. The General Plan and Zoning Ordinance do not impose size limits on processing facilities.

Other General Plan considerations:

Objective AR-1.1: Create and facilitate opportunities to promote and market agricultural products grown or processed in Sonoma County.

Policy AR-6d: Use the following guidelines for considering visitor servicing uses in agricultural areas, such as wine or cheese tasting:

1. *The use promotes and markets only agricultural products grown or processed in Sonoma County.*
2. *The use is compatible with existing agricultural production activities in the area.*
3. *The use will not require the extension of sewer and water services.*

The tasting room is part of the proposed winery production building. The tasting room would occupy less than 10 percent of the total winery production square footage, and would promote wine made from grapes grown on the project site or within Sonoma County, and can be found compatible with existing area agricultural operations. To ensure that food service at the proposed winery facility is not construed as a restaurant, a condition will be placed on the project limiting the type of food service allowed at the tasting room.

Mitigation: None required.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? _____ X

Comment:

10.c No Impact. See item 4.f, above. Habitat conservation plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan.

Mitigation: None required.

11. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	_____	_____	_____	_____ <u> X </u>

Comment:

11.a No Impact. There are no known mineral resources on the project site. The site is not designated in an MR (Mineral Resource) zoning district.

Mitigation: None required.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? _____ X

Comment:

11.b No Impact. The project site is not locally designated as a mineral resource. The site is not designated in an MR (Mineral Resource) zoning district.

Mitigation: None required.

12. NOISE Would the project result in:	Potentially Significant Impact	Less than Significant with	Less than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	_____	_____ <u>X</u> _____	_____	_____

Comment:

12.a Less Than Significant Impact with Mitigation Incorporated. The Noise Element of the Sonoma County General Plan establishes goals, objectives and policies including performance standards to regulate noise affecting residential and other sensitive receptors. The General Plan sets separate standards for transportation noise and for noise from non-transportation land uses, identifying a site as “noise impacted” if it experiences noise levels of 60 dBA or greater.

The closest residential units are to the north (25 feet to the edge of the project driveway and 50 feet from the parking lot to the residential property to the north), while the southern driveway passes approximately 25 feet from the adjoining residential property.

For the original project application, an Environmental Noise Assessment was prepared by Ilingworth & Rodkin, dated May 1, 2006. The report evaluated the existing noise conditions at the project site, as well as projected future noise conditions, with a focus on noise impacts from the winery operation and special events to be held at the site, with a focus on noise impacts at the nearest off-site residences.

To specifically address the changes in the agricultural promotional events and weddings proposed with the reactivation request, updated Special Event Noise Assessments were prepared by Ilingworth & Rodkin, dated May 13, 2014, followed by a revision dated October 9, 2014. However, the winery building design and location, and annual case production remains unchanged from that originally approved. The 2006 Noise Assessment provided the following information:

Existing Noise Conditions:

Existing noise conditions on the property are primarily attributable to Dry Creek Road vehicle traffic. Readings taken 135 feet from centerline of Dry Creek Road found noise levels ranging from 57 to 58 dBA (Ldn readings – using a day/night averaging). Short-term noise readings were higher (i.e., two-minute readings), reflecting noise of passing trucks and vehicles.

Project Traffic Noise – Dry Creek Road:

The addition of vehicle trips related to winery operation and special events (26 and 86 trip ends, respectively) would not be expected to result in additional traffic noise as measured at the closest off-site residences. Dry Creek Road currently carries an estimated 2,200 daily vehicle trips.

Winery Noise:

Noise under this category includes that from vehicles entering and leaving the parking lots and driveways, and mechanical and related production noise of the winery operation (crush and bottling, in particular). Short-term and periodic or seasonal noise is expected from use of heavy equipment and bottling equipment.

While noise levels of vehicles entering and leaving the site at 15 mph would not exceed General Noise standards as measured at the adjoining residential property lines (L08 @ 60 dBA maximum for periods of 4 minute and 48 seconds during daytime hours, or L02 @ 65 dBA standard for periods of 72 seconds in any hour), the noise study found that truck traffic could result in a 68 dBA reading, therefore, a mitigation measure has been incorporated into the project to prohibit nighttime truck deliveries.

The base noise limits (General Plan Table NE-2) have not changed since 2006. The primary difference between the current noise limits as compared to the limits used in the 2006 noise analysis is due to the adjustment process. In 2006, the applicable standards in Table NE-2 were reduced by 5 dBA if the standards exceeded the ambient noise level by 10 or more decibels. The current protocol is to reduce the applicable standards in Table NE-2 by 5decibels if the proposed use exceeds the ambient level by 10 or more decibels. This results in a very subtle difference between the current assessment's methodology versus the 2006 assessment's methodology. Regardless, the changes made to the noise thresholds do not result in new or substantially different noise impacts at nearby receptors.

Noise from the winery operation was also evaluated. The study found that mechanical noise related to grape crush and bottling, including use of air-cooled condensing units, pumps and compressors, would increase noise readings at the residential property lines. Because specifics on the precise equipment is not yet available, below mitigation requires the construction plans be reviewed to ensure noise limits at the residential property lines does not exceed County standards. The crush operation would last approximately six to eight weeks per year, and would involve unloading of trucks, use of forklifts, pressure washing of grape bins, and related activities. The noise study estimates these activities would generate a noise reading of 63 dBA at 50 feet. The noise reading at the closest residential property line is expected to be approximately 47 dBA (to the south) and 43 dBA (to the north). The study concludes that these readings would be in compliance with the County standard 50 dBA if occurring on a cumulative basis for 30 to 60 minutes per measuring hour.

Bottling would be done by a mobile bottling truck. Typically, bottling trucks have the capacity to bottle approximately 1,500 to 1,800 cases per an 8-hour day. Therefore, it is expected that the bottling would occur for 14 to 17 days out of the year. Estimated noise at the rear of the bottling truck is 67 dBA at 50 feet with unshielded conditions. Mitigation requires the rear of the bottling truck be oriented to the west away from sensitive receptors to reduce noise.

Parking Lot Noise:

Based on review of the floor plan – landscape plan dated March 2, 2015, the expanded parking areas are located as close as 50 feet from the residential property line to the south and 95 feet from the residential property line to the north. Ambient daytime noise levels are 66 dBA for the sound level exceeded between 4 minutes 48 seconds and 15 minutes in any one hour period (L08 noise limit).

Front Parking Lot Noise

As analyzed in a Memorandum dated February 5, 2015 from Illingworth & Rodkin, the front parking area as shown on the site plan dated February 4, 2015, has been shifted slightly southward, to a position approximately 140 and 150 feet from the residential property lines that border the site to the north and south, respectively. The front parking lot is now farther away from the residential receptor to the north, and the noise levels would be lower than those previously predicted because of the additional distance. The parking lot noise levels for the residential property to the south would increase by about 4 dBA above those previously predicted, and range from 38 to 48 dBA at a distance of 150 feet. This remains below the daytime (60 dBA) and nighttime (55 dBA) noise limit levels.

No new or different noise impacts are expected at either of the two residential receptors and changes to existing mitigation measures is not warranted and no new mitigation measures are not required.

Special Event Noise:

On October 9, 2014, Illingworth and Rodkin provided an addendum to the Noise Assessment (dated May 2014) to address non-amplified and amplified music during proposed winery events. The request includes 12 Agricultural Promotional events (w/80 guests), two weddings (w/100 guests), two charitable benefit dinners (w/100 guests), and participation in industry wide events totaling eight event days per year with 50 guests on the site at one given time with a maximum of 300 guests . Events will be held either indoors or outdoors. The outdoor venue is designated behind the winery building (west) on a flagstone patio and lawn area. The industry wide events, a few of the agricultural promotional events, and portions of the

wedding venues would be held outdoors. A majority of these events would have non-amplified music, such as musicians with acoustic instruments, such as guitars or violins without any electronic amplification.

However, amplified music and sound will be used for weddings and charitable benefit dinners. Ilingworth and Rodin in their October 2014 Noise Assessment discusses the option of using sound amplification equipment fitted with a limiter to prevent the volume from being turned up too high. They further explain that with the incorporation of the sound limiter, operational noise levels assuming amplified music or speech outdoors at the winery would not exceed the adjusted daytime noise limit at Residence 1 or 2 (Page 10).

An installed sound limiter uses a microphone to measure the loudness of the sound. When the sound exceeds a pre-defined level, the limiter cuts the electrical supply to the equipment, operating like a fuse. The system then needs to be reset prior to providing electricity again. The limiter usually contains some sort of warning light system to alert the user of when the sound is approaching the limiter's maximum volume.

Hours of operation:

- Winery: 6:00 am to 5:00 pm, Monday thru Saturday (non-harvest season) and 7:00 am to 10:00 pm, 7 days per week (harvest season)
- Tasting room: 10:00 a.m. to 5:00 p.m., 7 days a week.
- Industry-wide Events: 10:00 a.m. to 5:00 p.m. (same as Tasting Room hours)
- ~~Weddings: 1:00 p.m. to 9:00 p.m. [Guests shall exit the project site by 9 p.m. and cleanup shall completed by 10:00 pm] Deleted by BZA~~
- Ag Promotional Events : 2:00 p.m. to 9:00 p.m. [Guests shall exit the project site by 9 p.m. and cleanup shall cease by 10:00 pm]
- Community Benefit dinners: 6:00 p.m. to 9:00 p.m. [Guests shall exit the project site by 9 p.m. and cleanup shall be cease by 10:00 pm]

Vehicle noise was estimated at 49 dBA for an 8-minute averaging period, measured at the closest residential property lines. Holding the special events behind the winery building will effectively shield the adjoining residential uses to the north, south and east, and is located at least 200 feet from the closest residential property line. Maximum on-site noise levels from special events was estimated to be 62dBA measured at 50 feet, while off-site noise readings at nearby residential property lines would decrease to 40 dBA, meeting County standards.

Furthermore, during the project construction, there will be temporary increases in the areas ambient noise levels. Temporary increase in noise levels from equipment operation that could exceed County standards are expected to occur during construction. This would be a short-term, temporary impact that will cease when construction is complete.

The following mitigation measures have been incorporated into the project to reduce the overall noise levels generated by the winery during crush activities, during construction activities, and during the use of amplified music or sound during weddings, charitable benefit dinners, agricultural promotional events, and industry-wide events to a level of less than significant:

Mitigation Measure 12 a (1): NOTE ON GRADING, IMPROVEMENT, AND BUILDING PLANS:

Construction activities associated with this project shall be restricted as follows:

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.

- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
- c) There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.
- d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of each building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring 12 a (1): PRMD staff shall ensure that the note listed above has been placed on all grading, building, and improvement plans prior to issuance of permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

Mitigation Measure 12 a (2): Prior to building permit issuance, the final design and location of the noise-generating mechanical equipment shall be reviewed and cleared by a professional sound consultant to ensure compliance with Table NE-2 of the Sonoma County General Plan. A letter from the professional sound consultant shall be included with the Building permit application for the winery building and a copy provided to the Project Review Environmental Health Specialist and Project Planner.

Mitigation Monitoring 12 a (2): The Permit and Resource Management Department shall not issue the Building permit for the winery building until the letter from the professional sound consultant approving the noise-generating mechanical equipment and location has been submitted to PRMD.

Mitigation Measures 12 a (3) (Operational): Special Events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). Event guests shall exit the site by 9:00 pm. Clean up shall commence and employee shall exit the site by 10:00 p.m. No events allowing the patrons to reside on the premises overnight are authorized by this Use Permit.

Mitigation Monitoring 12 a (3) (Operational): If the Permit and Resource Management Department receives complaints that events are being conducted past 9 p.m., or cleanup is occurring after 10 p.m, PRMD staff would investigate the complaint and if the condition is violated the Use Permit may be subject to modification or revocation proceedings, as appropriate.

Mitigation Measure 12 a (4):(Operational) Outdoor crush or bottling activities shall only occur during the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). During bottling activity, the rear of the bottling truck shall be oriented to the west, away from the nearest residence to the east.

Mitigation Monitoring 12 a (4): If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures, if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

Mitigation Measure 12 a (5):(Prior to Operation): Prior to final or temporary occupancy approval of the winery and tasting room building, a professional sound consultant shall work with the project construction manager or electrician to oversee the installation of the winery's amplification equipment systems to ensure they have been properly fitted with sound limiter(s), including personal computer speakers. Sound limiter(s) shall be correctly fitted ensuring that the Daytime Noise Standards will not be exceeded with any use of amplified music or sound, either indoors or outdoors at the winery site, including the tasting room. This restriction does not apply to personal listening devices used by employees.

Mitigation Monitoring 12 a (5): :(Prior to Operation): Prior to final or temporary occupancy approval by PRMD of the winery building, a professional sound consultant shall submit letter to the Project Review Environmental Health Specialist and Project Planner at PRMD confirming that the winery's amplification equipment system(s) has been correctly fitted with a sound limiter(s) ensuring that the Daytime Noise standard of the General Plan would not be exceeded with the use of amplified music or sound either indoors or outdoors at the winery site, including the tasting room.

Mitigation Measure 12 a (6): (Operational): Any use of the amplified music or sound, indoors or outdoors, in conjunction with the tasting room use, weddings, charitable dinners, agricultural promotional events, or industry wide held at the winery site shall be limited to only using the amplification equipment system(s) fitted with a sound limiter(s). If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

Mitigation Monitoring 12 a (5): If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

Mitigation Measure 12 a (6) (Operational): The use of quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) is allowed outdoors at the winery site when in compliance with the Noise Element of the Sonoma County General Plan. The use of very loud non-amplified musical instruments (such as horns, drums and cymbals) is not permitted outdoors at the winery site under any circumstance.

Mitigation Monitoring 12 a (6): If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards or the Use Permit may be subject to modification or revocation proceedings, as appropriate.

- b) Exposure of persons to or generation of excessive groundborne vibration or ground borne noise levels? _____ X _____ _____

12.b Less Than Significant with Mitigation Incorporation (Refer to discussion and mitigation measures incorporated into the project in item 12 .a. above in this initial study). The project includes construction activities that may generate groundborne vibration and noise. These levels would not be significant because they would be short-term and temporary, and would be limited to daytime hours. See discussion and mitigation provided under item 12.a above and item 12 d, below.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? _____ X _____ _____

Comment:

12.c. Less Than Significant With Mitigation Incorporated:(Refer to discussion and mitigation measures incorporated into the project in item 12 .a. above in this initial study). The project would not create or result in a substantial permanent increase in ambient noise levels. The proposed project would not significantly alter the noise environment on a permanent basis. See discussion and mitigation under item 12.a, above, regarding short-term noise increases.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? _____ X _____ _____

Comment:

12.d Less Than Significant With Mitigation Incorporated: (Refer to discussion and mitigation measures incorporated into the project in item 11 .a. above in this initial study). The proposed project would create temporary noise impacts related to construction, as well as periodic noise impacts related to the bottling operation and holding of special events at the site. See discussion and mitigations under item 11.a, above.

- e) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? _____ _____ X _____

Comment:

12.e Less Than Significant Impact. The project site is located approximately one-mile from the Healdsburg Municipal Airport. Sonoma County adopted its Comprehensive Airport Land Use Plan in 2001, and the proposed winery area is just within the Study Area boundaries of the Plan, but beyond the project Referral Boundary to the Airport Land Use Commission. The Plan identifies a noise compatibility criterion of 60 dBA CNEL (community noise equivalent readings, which weights sound based on daytime or nighttime occurrences). With project site distance from the Airport and identified air traffic patterns, noise from airport traffic and related airport operations is not expected to impact workers at the project site.

Mitigation: None required.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? _____ _____ X _____

Comment:

12.f Less Than Significant Impact. The project site is located approximately one-mile from the Healdsburg Municipal Airport. Noise from standard Airport operations is not expected to create any significant impact upon people working in the project area, based on distance from the Airport and nature of air traffic at the Airport. No housing is proposed on the project site. See item 12.e, above.

Mitigation: None required.

13. POPULATION AND HOUSING Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	_____	_____	_____	<u> X </u>

Comment:

13.a No Impact. The project will not induce substantial population growth. The project proposes development of a winery and tasting room. No housing would be constructed on the project site. Utilities would be provided on the site (water and septic system/leach field), sized to support only the winery operation. Project area residential densities and land uses would remain unchanged from those prescribed in the General Plan and Zoning Ordinance.

Mitigation: None required.

b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?	_____	_____	_____	<u> X </u>
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Comment:

13.b No Impact. The project would not displace any existing housing as there is no housing on the project site.

Mitigation: None required.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	<u> X </u>
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Comment:

13.c No Impact. The project would not displace any people as there is no residential development associated with the construction of the winery.

Mitigation: None required.

14. PUBLIC SERVICES

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered				

governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	_____	_____	<u> X </u>	_____
Police protection?	_____	_____	<u> X </u>	_____
Schools?	_____	_____	<u> X </u>	_____
Parks?	_____	_____	<u> X </u>	_____
Other public facilities?	_____	_____	<u> X </u>	_____

Comment:

14.a. Less Than Significant Impact. Construction of the project would not involve substantial adverse physical impacts associated with provision of government facilities, and the impact would be less than significant.

The proposed winery development will be required to comply with County Fire Safe Standards to ensure adequate use of fire safe construction and in maintaining fire safe site conditions. Fire protection services would be available through the Geyserville Fire Department (station located one-half mile to the northwest). The agency reviewed the proposed project referral and no response was received. The Sonoma County Sheriff and the California Highway Patrol will continue to provide law enforcement in the area. The project will not result in residential development on the project site and therefore will not adversely impact local schools. Development fees to offset potential impacts to public services include school and park mitigation fees. Development fees to offset potential impacts to public services include school and park mitigation fees. The proposed development will not result in construction of residential units and is not expected to result in a substantial increased demand for public park facilities. No other public facility demands would be created by the project.

Mitigation: None required.

15. RECREATION	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	_____	_____	<u> X </u>	_____

Comment:

15.a Less Than Significant Impact. The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities.

Mitigation: None required.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? _____ X _____

Comment:

15.b Less Than Significant Impact. The proposed project does not involve construction of recreational facilities, though it does include the wine tasting room and outdoor special events areas.

Mitigation: None required.

16. TRANSPORTATION/TRAFFIC Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?	_____	_____	<u> X </u>	_____
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	_____	_____	<u> X </u>	_____

Comment:

16.a and 16.b Less Than Significant Impact. As directed by the Sonoma County Transportation and Public Works Department (DTPW) for the reactivation request, an updated Traffic Impact Study of that prepared in March 2006 was required. On July 2013, an updated TIS was submitted by W-Trans, however, revisions were required by DTPW. On August 2013, a second updated TIS was submitted by W-Trans, however, revisions were required to address the change in agricultural promotional events. On October 28, 2014, a Revised Focused Traffic Impact Study was prepared for the project by W-Trans. Finally on February 5, 2015 an Updated Traffic Impact Study was prepared by W-Trans in order to provide updated traffic counts by the County in 2014 and to respond to comments made by neighbors on the previous traffic studies.

The traffic counts and collision data referenced in this section of the traffic analysis is contained in the W-Trans, Traffic Impact Study for the Hale Vineyard Winery, February 5, 2015. The updated Traffic Impact Study dated February 5, 2015 also addresses neighbors' comments raised on the previous traffic studies prepared for the project and to provide the most recent traffic counts taken on a section of Dry Creek Road by the County in August 2014 (Refer to Exhibit N of the staff report). This updated traffic study did not warrant any changes to the draft Conditions of Approval (Refer to Exhibit A of the staff report) provided to the BZA for the December 2014 hearing.

The project will use an existing driveway located on the south side of the site directly off of Dry Creek Road for all truck and vehicular access and egress. This driveway is currently used to transport grapes off site for processing and vineyard workers vehicles. W-Trans explains Dry Creek Road is a two-lane road with a posted speed limit of 50 miles per hour (mph). There are paved shoulders on both sides of the road that are used as bicycle lanes.

Study Area:

The study area consists of Dry Creek Road fronting the winery site, and the project driveway providing access to the existing wine storage building and the 35-acre vineyard. The proposed project would take access from the existing driveway located on the west side of Dry Creek Road approximately 1,500 feet south of Norris Road and three-quarters of a mile north of Lambert Bridge Road.

Traffic Counts:

Based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at LOS A during the p.m. peak hour. It is classified as a Rural Major Collector road in Figure CT-4c of the Sonoma County General Plan 2020 Circulation and Transit Element. The roadway is marked with a solid double yellow centerline immediately in front of the driveway that transitions to a dashed yellow line for northbound traffic just north of Norris Road. A copy of the level of service calculation is provided by W-Trans in Appendix A.

The Department of Transportation and Public Works takes 48-hour counts to determine an average 24-hour period. This particular study began at noon on Monday, August 11, 2014 and concluded at noon on Wednesday, August 13, 2014. The data is collected by a traffic technician using a portable device attached to the pavement in each lane. According to DTPW the industry standard is to collect data outside of the Monday morning and Friday evening commutes which tend to have higher volumes. There is no specific data related to lake-oriented traffic, and this traffic can also arrive from Dutcher Creek and Canyon Road instead of Dry Creek Road. According to DTPW their department does have counts east of the bridge over Dry Creek that indicate approximately 1200 vehicles travel through the dam site daily.

Collision History:

W-Trans reviewed the collision history for the study area to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current five-year period available is July 2008 through June 2013.

For this five-year period there were seven collisions reported on Dry Creek Road within one half mile in either direction of the existing driveway to the driveway resulting in a calculated collision rate 1.24 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average for two-lane rural roads with a speed limit less than 55 miles per hour, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 0.93 c/mvm.

The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, therefore, W-Trans reviewed the records further. Of the seven collisions reported, three were single vehicle collisions with improper turning described as the primary collision factor for two and driving under the influence for the other. The other four collisions involved two vehicles traveling in the same direction, so are likely associated with movements at driveways and three were due to drivers attempting to pass another vehicle making a turn. This type of collision is often associated with inadequate sight lines as well as drivers traveling at an excessive speed. W-Trans concludes that as long as the driveway has adequate sight lines so that drivers have adequate time to react to movements into and out of the driveway, the project would not be expected to have a perceptible impact on safety conditions in the area (Refer to TIS Appendix B Collision Rate Calculations).

Project Trip Generation:

It was assumed that the winery will import just over half of the grapes needed to produce 25,000 cases of wine, with the fruit coming from the adjacent vineyards. The winery will have five employees for production, administration, and sales, and the tasting room will have one employee. Each is assumed to generate an average of three trips per day, resulting in 18 employee trips per day.

An average of 38 visitors per day is expected for tasting, with a high of 50 daily tasters during the summertime months and a low of about 20 visitors daily during the wintertime months. Based on the average vehicle occupancy of 2.5 visitors per vehicle and conservatively applying trips based on 50 visitors, an average of 30 daily trips is expected due to tasting room visitors. To arrive at these numbers, W-Trans used data previously collected at a local Sonoma County winery which were then used to develop factors for winery tasting room trips made during both the p.m. and weekend midday peak hour. This data of the winery's driveway counts were collected by W-Trans one week every month for a year and indicate that 10 percent of the daily tasting trips occur during the p.m. peak hour and 13 percent during the weekend midday peak. In addition to visitor and employee traffic, truck traffic in the form of deliveries is expected to contribute two trip ends per weekday.

As shown in Table 1 below, the proposed tasting room at the project site would be expected to generate an average of 50 new trip ends per day during peak operation, including 9 trips during the weekday p.m. peak hour and 10 during the weekend midday peak hour. These new trips represent the increase in traffic associated with the project compared to existing volumes.

**Table 2
Trip Generation**

Trip Type	Units	Daily Trips	Weekday PM Peak			Saturday Midday Peak		
			Trips	In	Out	Trips	In	Out
Employees	5	15	5	1	4	5	2	3
Tasting Visitors	38	30	3	0	3	4	2	2
Tasting Room Employees	1	3	1	0	1	1	1	0
Trucks	1	2	0	0	0	0	0	0
Total New Trips		50	9	1	8	10	5	5

However, it should be noted that the trip generation estimates treat each visitor as if they were making a single-purpose trip to visit this one winery, when in fact most visitors are going to multiple tasting rooms while on the same trip. Given the proximity to other wineries along Dry Creek Road it is likely that the bulk of the tasting room traffic would be drawn from the existing stream of traffic generated by visitors already in the area that are visiting one or more of the surrounding wineries, so would not result in 30 new trips.

Agricultural Promotional Events:

The project application includes provisions for 24 agricultural promotional events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events. It is assumed that a maximum sized 100-person event would require a staff of six. Using an occupancy of 2.5 vehicles per guests and solo occupancy for staff, a maximum sized event would be expected to generate 92 trip ends at the driveway, including 46 inbound trips at the start of the event and 46 outbound trips upon its conclusion. It is noted that, while employees would typically arrive an hour or more before guests arrive and depart an hour or more after they leave, W-Trans took a more conservative approach and assumed that employees arrive and depart during the same hour as guests. Further, W-Trans assumed that all guests arrive during a single hour and depart during a single hour, even though there may be those guests who arrive late or depart early. The traffic volume actually arriving during a single hour would therefore likely be less than the volumes as indicated and used for the analysis.

Annual Average Daily Event Traffic

For the purpose of calculating traffic impact fees, Sonoma County uses an annualized average trip generation that factors in event traffic. Over the course of a year, events are expected to generate an annualized average of eight trips per day. Obviously events only generate traffic on days when they occur;

however, this annualized average is provided for staff's use only and was not used for any analysis purposes.

Finding: A maximum sized event would have a peak trip generation of 46 vehicle trips during a single hour. Averaged out over the course of the year, special events are expected to generate an average of 8 trips a day (AADT), as indicated on the County's standard winery trip generation form.

Harvest Season

As proposed, there would be no additional employees during harvest season. The importing of grapes and other production-related trips results in about one truck trip per day, on average, over the course of the two-month harvest season, or one round trip every other day. The trip generation variation over the course of the year is shown in the Winery Trip Generation Form (Appendix C of the Traffic Impact Study).

Existing plus Project Conditions:

County data obtained during August of 2011 and 2014 were reviewed to determine hourly volumes for Dry Creek Road. Both counts were performed in August, which tends to be one of the highest-volume months of the year, and had very similar average volumes during the p.m. peak hour. These counts indicate about Dry Creek Road carries about 315 vehicles during the peak hour, with 125 northbound and 190 southbound, and operates at LOS A during the p.m. peak hour.

The project is expected to generate a maximum of 46 trips during any hour. With these trips added to the existing peak hour volumes, Dry Creek Road would be expected to operate at LOS B. The project's impact is therefore less than significant. It is further noted that the peak trip generation of 46 trips would be unlikely to occur during the peak hour.

Traffic counts for Saturday and Sunday were also reviewed, and it was determined that, while the peak hour on a Saturday occurs during the middle of the day, the volumes are very similar to those during the weekday evening peak hour. Volumes during the Sunday peak hour, which was also during the middle of the day, were lower than those on either a Saturday or during the evening peak hour. The analysis using peak hour volumes therefore adequately captures operation on a weekend as well.

W-Trans considered the potential for multiple events to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, even if five such events occurred in the same area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

One concern expressed by a neighbor was the project should use a traffic control officers for special events. The analysis performed indicates that there is no need for such a requirement, as traffic operations would continue to be acceptable with the addition of project-generated trips.

Finding: Due to the minimal number of peak hour trips that the project is expected to generate, traffic operation is expected to be essentially unchanged upon adding project-generated trips. Further, there is sufficient capacity to accommodate trips associated with special events, even if multiple events occurred simultaneously. The project would therefore have a less-than-significant impact on traffic operation.

Alternative Modes:

Dry Creek Road is a popular route for bicycle travel, but has little pedestrian traffic. Dry Creek Road has wide shoulders in the easterly part of the route that provide cyclists with a place to ride that is outside the vehicle travel lane. Within the project area Dry Creek Road is designated as a future Class II bike route in the Sonoma County Bicycle and Pedestrian Plan. The project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel. However, to provide for the planned future bike lanes, the project should ensure that adequate right-of-way is available along the project's frontage so that

at such time as the County undertakes a project to construct the bike lanes they will have adequate width to build the lane.

Finding: The project will have no direct impact on adequacy of facilities for bicyclists, but should provide for planned future improvements as appropriate. The project site would use the existing driveway located on the south side of the property directly off of Dry Creek Road.

Recommendation: The project should dedicate right-of-way as necessary to accommodate a 6-foot shoulder on Dry Creek Road along the project site's roadway frontage.

Sight Distance:

At unsignalized driveways a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either turn left or turn right, without requiring the through traffic to radically alter their speed.

Sight distance along Dry Creek Road from the proposed driveway was evaluated based on sight distance criteria contained in A Policy on Geometric Design on Highways and Streets published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines include recommended sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches and for drivers of stopped vehicles at the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left as compared to turning right.

W-Trans conducted a field visit of the project site and study area. Sight distance was measured from a 3.5-foot height at the location of the driver 15 feet back from the edgeline on the minor road to a 4.25-foot object height in the center of the approaching lane of the major road. During the field review, W-Trans performed a short speed survey that indicated that the 85th percentile speed of drivers approaching the driveway was 53 mph. A design speed of 55 mph was therefore used to capture the actual speed at which drivers are traveling. Based on a 55-mph design speed, AASHTO recommends the sight distances indicated in Table 2 for the associated movements.

Table 3
Sight Distance Evaluation

Type of Sight Distance	Minimum (feet)	Available (feet)
Outbound Right Turn	530	800-plus
Outbound Left Turn	610	665
Following Inbound Left Turn	495	535

As shown in Table 2, the available sight lines for both inbound and outbound movements exceed the minimums recommended for the 55-mph design speed applied. There is vegetation that restricts sight lines in both directions (ground-level branches on a tree to the northwest and a bush on the inside of the curve to the southeast). Trimming of this vegetation would increase sight lines and ensure adequate visibility when drivers are substantially exceeding the 50-mph speed limit.

A neighbor expressed concerns that sight distance standards ignore the fact that drivers' reaction times will be impaired after drinking too much wine. However, it is noted that wineries are responsible for monitoring the consumption of alcohol on their premises and law enforcement officials are responsible for the enforcement of driver behavior. W-Trans explains that engineering studies are based on the typical conditions of the land use, roadways and motorists. Many wineries and the industry wide event encourage the use of designated driver. Also, during tasting packaged food is provided and during events meals are provided.

Recommendations: Vegetation along Dry Creek Road that limits sight lines should be trimmed if permission can be obtained from the appropriate property owners. Landscaping and vegetation along the frontage should be kept out of sight lines or have a height of less than three feet or be above seven feet for tree canopies.

Left-Turn Lane Warrants:

W-Trans evaluated the need for left-turn channelization in the form of a left-turn pocket on Dry Creek Road based on criteria contained in the Intersection Channelization Design Guide, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans Highway Design Manual.

For this analysis, W-Trans conservatively assumed that all project related traffic would access the site via northbound left turns, as this condition represents the greatest potential need for a left-turn pocket. Although agricultural promotional events would not typically start during a peak hour, to evaluate worst case conditions, inbound trips to a maximum-sized event were used along with volumes during the peak hour. Even using this conservative approach, W-Trans concluded a left-turn lane is not warranted.

DTPW commented that recommendations made in the study are based on peak hour volumes rather than daily volumes and W-Trans based the turn lane calculation on the more conservative in-bound event traffic and weekday p.m. peak volume.

W-Trans also conducted a "sensitivity analysis" to determine at what point a left-turn lane would be warranted. Based on weekend midday peak hour volumes, it was determined there would need to be about 203 vehicles turning left from Dry Creek Road to the proposed project during a single hour before a left-turn pocket would be warranted.

Furthermore, W-Trans determined that based on the evaluation performed as well as the lack of left-turn pockets for the majority of wineries on Dry Creek Road, as well as at the interchange with US 101, a left-turn pocket is not recommended (Refer to Appendix D- Left-Turn Lane Warrant spreadsheet).

Parking:

As proposed, the project site would have a total of 22 parking spaces designated for visitors and employees, two of which would be designated for handicap accessibility. During typical daily operation up to six employees would be on-site and there would be up to eight vehicles associated with wine tasting visitors. There is adequate room to provide the on-site parking needs.

During events having 100 attendees, parking would be needed for 46 vehicles (40 for attendees and six for staff). It is understood that parking for the additional 24 vehicles would take place along the driveway or between rows of vines. While participation in larger industry-wide events would result in a higher attendance overall, such events are spread over many hours, with attendees spending an hour or less at each winery. The project site is large enough and with two parking attendants on duty during the larger agricultural promotional events (Refer to Condition No.92 – Exhibit A) adequate on-site parking can be provided.

W-Trans' Conclusions and Recommendations:

Conclusions

- Dry Creek Road is currently operating at LOS A during the evening peak hour, and is expected to operate at LOS B with project trips added.

- The proposed winery is expected to generate an average of 50 new daily trips and a maximum of 46 hourly trips during a special event.
- An additional 250 trips per hour could be added along this section of Dry Creek Road while maintaining acceptable LOS C operation during either the weekday p.m. peak hour or the weekend midday peak hour. The project added trips, as well as those from multiple simultaneous special events, would therefore have a less-than-significant impact.
- Sight distance at the location of the existing driveway is acceptable in both directions as well as for vehicles traveling on Dry Creek Road.
- A left-turn pocket is not warranted on Dry Creek Road at the existing access driveway with the addition of the project, even under conservative assumptions.
- Parking as proposed is expected to be adequate to serve all proposed site uses.

Recommendations

- Any landscaping or signs placed near the project driveway should be either low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained.
- Right-of-way along the project site's frontage on Dry Creek Road should be dedicated as necessary to provide adequate width for the planned future bike lane.

A single driveway access directly off of Dry Creek Road, as shown on current site plan, is also recommended by Public Works. The traffic study was accepted by traffic engineers at the County's Department of Transportation and Public Works. Several road improvement conditions and payment of traffic fees were required prior issuance of any building permit for the winery building. Nonetheless, based on the evidence provided in the updated Traffic Impact Study prepared by W-Trans, the project would not cause a substantial increase in traffic or exceed the current level of service for Dry Creek Road. Overall the project generated traffic would have a less than significant impact on the roadway and nearby intersections.

Mitigation: None required.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? _____ X

Comment:

16.c No Impact. The project does not include or otherwise create the potential to alter air traffic patterns of the Healdsburg Municipal Airport.

Mitigation: None required.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? _____ X

Comment:

16.d Less Than Significant Impact. The project Traffic Study evaluated sight-distance for project traffic turn movements. Sight distance for the driveways onto Dry Creek Road, posted at 50 mph, is 430 feet. Adequate sight distance exists to both the north (approximately 500 feet) and south (approximately 600 feet), including safe sight-distance to any vehicles queued along Dry Creek Road waiting to enter the site driveways. No hazardous design features are associated with the project.

Mitigation: None required.

- e) Result in inadequate emergency access? _____ X

Comment:

16.e Less Than Significant Impact. The winery project' driveway is directly off of Dry Creek Road, a wide, well maintained roadway. Adequate emergency access will be provided. Project development

plans are routinely reviewed by a Department of Emergency services Fire Inspector during the building permit process to ensure compliance with emergency access issues.

Mitigation: None required.

f) Result in inadequate parking capacity? _____ X _____

Comment:

16.f Less Than Significant with Mitigation Incorporated: Two separate public parking areas would be established; one just east of the seasonal creek with 10 parking spaces, and one adjacent to the wine tasting room with three standard parking spaces and one handicap- accessible parking space. An additional parking area will be located near the south end of the fermentation building, used for truck and employee parking. Special event parking is proposed to be directed to existing vineyard avenues.

The project would require approximately six on-site spaces per County Code requirements for the wine tasting room and an additional seven spaces for the warehouse/wine storage building. The applicant proposes to provide 14 on-site parking spaces. This number technically would exceed Code requirements. However, the County Code does not specially address holding of special events and the resultant parking demand. The project traffic study and acoustical study both assumed as many as 100 guests and 4 employees would be at the site during special events. Some of these events could be held while the wine tasting room is open, also adding to the parking demand. Assuming approximately 2 guests per vehicle for a 100-person event and 4 employees, an on-parking demand of approximately 54 spaces would result.

The parking lot is designed to hold 14 vehicles, leaving a parking “shortfall” of approximately 39 spaces during larger special events. (Note: the applicant’s traffic study suggests an average of 2.5 guests/vehicle; this would result in a demand for 40 guest parking spaces, not including employee parking. Staff finds that a more conservative estimate of 2 guests/vehicle is appropriate for the purposes of ensuring adequate on-site parking is available.) However, the applicant has indicated event parking would also utilize spaces between the vineyard rows by the special events area. Additional spaces may be available by the receiving area by the winery building, collectively meeting project special event parking needs. The parcel is large in size and appears has the ability to accommodate on-site parking. Nonetheless, mitigation measures have been incorporated into the project to ensure adequate parking on the site for all guest and employee vehicles, as follows:

Mitigation Measure 16.f.(1): Parking of vehicles and/or trucks associated with this winery facility is not permitted along any public or private roadways.

Mitigation Monitoring 16.f (1): If the Permit and Resource Management Department receives complaints that vehicles and/or trucks associated with this winery facility are being parked along public roadways, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

Mitigation Measure 16.f. (2): For the larger industry-wide events and the two weddings, at least two parking attendants shall be on duty to direct and guide the on-site parking of guest vehicles. Parking attendants shall remain on duty throughout the duration of the events.

Mitigation Monitoring 16.f (2): If the Permit and Resource Management Department receives complaints that parking attendants are not on duty during the larger industry-wide events and the two weddings, PRMD staff would investigate the complaint and if the condition is violated the use permit may be subject to modification.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? _____ X _____

Comment:

16.g Less than Significant Impact. The project will not create conflicts with County bicycle standards or plans for use alternative transportation, including bus turnouts. The project was reviewed by the Sonoma County Bicycle Coalition and the following condition has been required for the winery development:

Prior to final or temporary occupancy of the winery building, bicycle racks shall be installed near the parking lot (refer to the Sonoma County Parking Regulations –Zoning Code Sec. 26-86-010). One bicycle parking space be provided for every 5 spaces required for automobiles. Please use Bicycle Parking Guidelines by the Association of Pedestrian and Bicycle Professionals (http://drusilla.hsrc.unc.edu/cms/downloads/BikePark_Guidelines.pdf).

Mitigation: None required.

17.UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact Mitigation	Less than Significant with	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	_____	_____	_____X_____	_____

Comment:

17.a Less Than Significant Impact. The project will rely on use of on-site septic systems for disposal of winery wastewater and for domestic wastewater, and therefore will have a less than significant impact upon a wastewater treatment system. Preliminary testing by the applicant’s engineer indicated that the site would meet County and State standards for the systems, which would accommodate a wastewater flow of up to 2,000 gallons per day for the winery and 510 gallons per day for domestic wastewater (related to use of the tasting room, office and special events). PRMD - Health staff will require the applicant to file an application for waste discharge requirements with the North Coast Regional Water Quality Control Board prior to issuance of a certificate of occupancy or project operation.

Mitigation: None required.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	_____	_____	_____X_____	_____
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Comment:

17.b. Less Than Significant Impact. The project will not contribute to the need for substantial construction of new water or wastewater treatment facilities, other than construction of new on-site facilities to support the proposed winery uses. Impacts of septic system use are addressed throughout the Initial Study, along with other impacts of ground disturbance, such as biology, cultural resources, geology, hazards, hydrology, etc. PRMD - Health, will impose standard conditions on the project requiring evidence of the site to support use of the septic system prior to allowing the use. Water service will be supplied by a new on-site well. No significant impacts will occur with the construction of water supply and septic systems.

Mitigation: None required.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	_____	_____	_____X_____	_____
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Comment:

17.c Less Than Significant Impact. Grading of the site will slightly alter the natural topography and the drainage pattern and increase storm water runoff. See item 8.d, above, for analysis of construction of storm drainage facilities. Impacts of storm water drainage facilities construction are addressed throughout the Initial Study with other impacts of ground disturbance such as biology, cultural resources, geology, hazards, hydrology, etc.

Mitigation: None required.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? _____ X _____

Comment:

17.d Less Than Significant Impact. The project would utilize a new well to provide water to the project. The site is located in Groundwater Zone 1, indicating adequate presence of groundwater and groundwater recharge to support the proposed project. PRMD - Health has imposed a number of conditions of approval related to well installation and testing, including quarterly provision of groundwater elevations and quantities of groundwater extracted.

Mitigation: None required.

- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? _____ X _____

Comment:

17.e No Impact. A new septic system(s) would be installed on the project site to provide sewage disposal for the proposed winery and domestic use, to be located behind the winery building. The project site is adequate in size to provide the necessary reserve area for the leach field. There will be no sewage treatment by an off-site provider. See item 16.a, above.

Mitigation: None required.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? _____ X _____

Comment:

17.f No Impact. Sonoma County has access to adequate permitted landfill capacity to serve the proposed project.

Mitigation: None required.

- g) Comply with federal, state, and local statutes and regulations related to solid waste? _____ X _____

Comment:

17.g No Impact. There are no federal, state or local solid waste regulations that would significantly affect the project. PRMD - Health staff will require submittal of plans depicting locations of trash enclosures on the project site.

Mitigation: None required.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? _____ X

Comment:

18.a No. The proposed project will not result in degradation to the quality of the environment or otherwise create a significant impact upon wildlife habitat or species, including species of special concern. No special status plant species are known to be on or by the project site. No impacts to wetlands habitat would occur since there are no wetlands or riparian habitat areas on the project site in the area of the proposed development. The project also includes mitigation measures designed to limit site grading and other actions that may result in erosion or other actions that could ultimately affect off-site waterways and sensitive habitats. Mitigation incorporated into the project requires that prior to issuance of any grading or building permit, the applicant obtains all necessary permits or waivers for the proposed work in or near a waterway, specifically, the stream crossing necessary for the project's driveway and pedestrian bridge. Any stream crossing requires plans prepared by a Registered Civil Engineer. Besides a grading permit from PRMD, all applicable permits must be obtained from the State Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement (LSAA-1600 Permit) and the North Coast Regional Water Quality Control Board for a 401 Water Quality Certification (401 Certification) 404 Permit. The applicant shall implement the following Best Management Practices with any work in or near the stream. The project site would not create an impact to cultural or archaeological resources; no such resources were found in the project area, and a standard accidental discovery mitigation measure has been added as a precaution.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable

when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

_____ X

Comment:

18.b No. The project has the potential to result in individually limited but cumulatively considerable impacts with respect to noise. However, project mitigation measures incorporated into the project will reduce the potential for significant cumulative impacts. Noise impacts from the project would be mitigated through a wide range of actions, including limiting construction noise and activities, requiring the installation of sound limiters on the winery's computerized amplification systems, prohibiting use of loud non-amplified musical instruments, and limiting hours of operation for winery, tasting room, and special event activities. Traffic volumes would be increased on Dry Creek Road, but would not be substantial enough to change existing traffic flows or create an unsafe driving condition. General Plan Policy AR-5g addresses concentration of uses as it states: "Local concentrations of any separate agricultural support uses, including processing, storage, bottling, canning and packaging, agricultural support services, and visitor-serving and recreational uses as provided in Policy AR-6f, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, the required factors were considered:

"1. Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis."

Staff Analysis: Based on the Traffic Analysis prepared by W-Trans, and reviewed and accepted by the Sonoma County Transportation and Public Works Department, project generated traffic will not result in road access conflicts and would not exceed the level of service established in the Circulation and Transit Element's objectives (Refer to further discussion under item 16 Traffic Impacts below in this initial study checklist).

"2. Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells".

Staff Analysis: The project site draws groundwater from the Dry Creek Valley aquifer. This aquifer extends the length of Dry Creek Valley and is replenished by natural recharge areas within the Dry Creek water shed. The County General Plan "Zone 1 – Water Availability Area" designation indicates this aquifer is a sustained source of groundwater and therefore the County does not require a ground water study. Also, this aquifer is not a regulated groundwater basin, so no entitlements are required to extract water from this source.

The water demand generated by the winery and tasting room uses is limited given the project's small scale. A new well will be drilled on the property to serve these new uses with a public water supply in accordance with State Office of Drinking Water requirements. Because the water demand associated with the proposed uses is relatively small, there is adequate ground water supply to serve the project and will not significantly impact wells in the area. The project site is located in a Zone 1 Water Availability Area designation which is described as areas "A Major Groundwater Basin" in the Resource Conservation Element of the General Plan. The winery limited in case production, the tasting room hours are limited, and events are limited in frequency and size per year. There is no residence or other uses on the project site. Based on industry standards used by engineers it takes 6 gallons of water to make 1 gallon of wine. At the maximum capacity of 25,000 cases of wine each year, the total annual water demand for the winery is estimated 360,000 gallons of water or .91 AF (acre feet) of water (325,830 gallons per one AF of water). In comparison, the water demand for all typical single family residence uses is 0.60 AF/year (R.C. Slade, PLP02-0026). Currently, there are no residences on the project site. The

current density allowance would allow two residences (or a two-lot subdivision). The winery water usage is estimated to be compared to 1.5 residences.

Under General Plan Policy WR-2d, the Use Permit, if approved, is subject to a condition that requires groundwater monitoring for new or expanded discretionary commercial and industrial uses using wells. Where justified by the monitoring program, establish additional monitoring requirements for other new wells.*

“3. Whether the above uses would be detrimental to the rural character of the area.”

Staff Analysis: The project site is 40 acres with 36 acres of existing vineyard. Approximately 1.5 acres of vines would have to be removed for the project, with .64 acres of vines can be re-planted on the site. Therefore, less than one acre of vines (0.86 acres) of vineyard would be removed. The single winery and tasting room building is located outside of the 200-foot Scenic Corridor setback for Dry Creek Road. The proposed winery building design and architecture has been reviewed by the Design Review Committee who had no objection to the design, only recommending to reduce the reflectivity of the metal roof. Existing vineyard and landscaping on the site, as well as, proposed landscaping improvements will help screen the building from the public road. The winery building would have an agrarian design with a cedar stained board and batten siding and corrugated roof which is of an is more in-keeping with a rural character and would not be detrimental in its appearance.

Furthermore, issues of air quality, light and glare, and agricultural impacts were addressed in the Initial Study; due to the limited size and nature of the project the extent of impact in these issue areas would be nominal when considered with the effects of past, current and probably future projects.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

_____ X

Comment:

18.c No. Potential substantial adverse effects on human beings were identified in the areas of aesthetics, air quality, biological resources, hazards and hazardous materials, hydrology and water quality, noise, and parking. Mitigation is proposed that would reduce impacts to less than significant levels. The project will not have a significant impact after mitigation is implemented.



October 28, 2014

Mr. Ken Wilson
428 Matheson Street
Healdsburg, CA 95448

Whitlock & Weinberger
Transportation, Inc.
490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

Revised Focused Traffic Impact Study for Hale Vineyard Winery

Dear Mr. Wilson;

Whitlock & Weinberger Transportation, Inc. (W-Trans) has updated our analysis of the potential traffic impacts that would be associated with the proposed development of a new winery at 4304 Dry Creek Road in the County of Sonoma. While the potential need for a left-turn lane as well as to evaluate the likely trip generation of the proposed project are essentially unchanged from the information initially reported in 2006, this portion of the analysis as well as the safety review have been updated as requested by County staff. The traffic study was completed in accordance with the Traffic Study Guidelines established by the County of Sonoma.

Study Area

The study area consisted of Dry Creek Road fronting the winery site, and the project driveway providing access to the existing wine storage building and the 35-acre vineyard. Dry Creek Road is a 2-lane secondary arterial road, as defined in the Sonoma County General Plan. The proposed project would take access from the existing driveway located on the west side of Dry Creek Road approximately 1,500 feet south of Norris Road and three-quarters of a mile north of Lambert Bridge Road. In the vicinity of the proposed project the posted speed limit on the Dry Creek Road is 50 miles per hour (mph). Based on counts collected by the County on August 25, 2011, near the existing driveway on the project site, Dry Creek Road carries approximately 3,000 vehicles per day.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that might be exacerbated by the addition of project-generated traffic. Collision records obtained through the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) report were examined for June 2006 to May 2011. For the five-year period reviewed, there were six collisions on Dry Creek Road within one-half mile in either direction from the existing driveway to the project site, translating to a collision rate of 1.10 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average collision rate for a two-lane rural road with a speed limit of less than 55 mph, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 1.07 c/mvm. The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, so the records were reviewed in greater detail. Of the six collisions, three were single vehicle collisions with improper turning described as the primary collision factor. Only one collision involved vehicles turning into or out of a driveway, and none involved intoxicated drivers. Based on the review performed, the project is not expected to have a perceptible impact on safety conditions in the area.

Project Trip Generation

The proposed project consists of the addition of a new winery producing 25,000 cases annually at 4204 Dry Creek Road.

For purposes of estimating the number of new trips that proposed projects can be expected to generate, *Trip Generation Manual*, 9th Edition, Institute of Transportation Engineers, 2012, is typically used. Since this publication does not contain information for wineries, Sonoma County's Winery Trip Generation form was used to determine the potential trip generation for the proposed project. A copy of the Winery Trip Generation form for the proposed project is enclosed.

It is anticipated that the proposed new winery including the tasting room would have a total of five employees, each generating an average of three trips per day. Truck traffic associated with winery operations is expected to consist of less than one trip per day, on average. An average of 38 visitors per day is expected for tasting, generating 30 trips daily assuming average vehicle occupancy of 2.5 visitors per vehicle. As shown in Table I, the proposed project is expected to generate an average of 50 vehicle trips per day.

Table I
Trip Generation Summary

Trip Type	Average Daily Trips		
	Unit	Rate	Trips
Employees	5	3.0	15
Tasting Visitors	38	0.8	30
Tasting Room Employees	1	3.0	3
Trucks	1	2.0	2
Total			50

Special Events

The project application includes provisions for 26 special events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events on eight days. It is assumed that a maximum sized 100-person event would require a staff of six. Using an occupancy of 2.5 vehicles per guests and solo occupancy for staff, a maximum sized event would be expected to generate 92 trip ends at the driveway, including 46 inbound trips at the start of the event and 46 outbound trips upon its conclusion.

Sight Distance

Sight distance from the proposed driveway on Dry Creek Road at the project location was evaluated based on sight distance criteria contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). Based on guidance provided from AASHTO, for the posted speed limit on Dry Creek Road of 50 mph, a driver waiting to turn right onto a two-lane highway needs stopping sight distance of at least 425 feet, while 555 feet is needed to make a left turn. From the location of the existing driveway the sight distance to the south is more than 600 feet, while 500 feet is available to the north. Since drivers turning right need

only see vehicles coming from the left, or north, the available 500 feet is more than adequate. Similarly, for left turns drivers need to see vehicles oncoming from the south, and the 600 feet of available sight distance is more than the 555 feet needed.

The sight distance was also evaluated for vehicles traveling northbound on Dry Creek Road approaching another vehicle waiting on Dry Creek Road to make a left turn into the existing project access driveway. The stopping sight distance criteria of 425 feet would also apply to this situation, with sight lines measured between the oncoming vehicle and the queued vehicle. Sight distance along the northbound travel lane is approximately 550 feet, which exceeds the minimum sight distance required. The sight distance looking to the north for a queued vehicle stopped in the northbound travel lane waiting to make a left-turn into the existing project access driveway was also evaluated and determined to be adequate as more than 500 feet of sight distance is available. It is recommended that vegetation within all of the above mentioned sight lines be periodically trimmed to maintain adequate sight distance.

Left-Turn Lane Warrant

The need for left-turn channelization in the form of a left-turn pocket on Dry Creek Road was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans *Highway Design Manual*.

For this analysis it was conservatively assumed that all project related traffic would access the site via northbound left turns, as this condition represents the greatest potential need for a left-turn pocket. Although special events would not typically start during a peak hour, to evaluate worst case conditions, inbound trips to a maximum-sized event were used along with volumes during the peak hour. Even using this conservative approach a left-turn lane is not warranted.

A sensitivity analysis was conducted to determine at what point a left-turn lane would be warranted. Based on weekend midday peak hour volumes, there would need to be about 203 vehicles turning left from Dry Creek Road to the proposed project during a single hour before a left-turn pocket would be warranted.

Based on the evaluation performed as well as the lack of left-turn pockets for the majority of wineries on Dry Creek Road, a left-turn pocket is not recommended. A copy of the Left Turn Lane Warrant spreadsheet is enclosed.

Conclusions

- The proposed winery is expected to generate an average of 50 new daily trips.
- A left-turn pocket is not warranted on Dry Creek Road at the existing access driveway with the addition of the project, even under conservative assumptions.
- Based on County standards sight distance at the location of the existing driveway is acceptable in both directions as well as for vehicles traveling on Dry Creek Road.

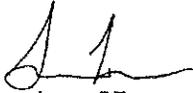
Mr. Ken Wilson

Page 4

October 28, 2014

Thank you for giving W-Trans the opportunity to provide these services. If you have any further questions, please call.

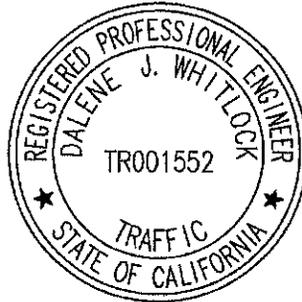
Sincerely,



Sam Lam, PE
Transportation Engineer



Dalene J. Whitlock, PE, PTOE
Principal



DJW/std/SOX249.L2

Enclosures: Segment Collision Rate Calculation Spreadsheet
Sonoma County Winery Trip Generation Form
Sonoma County Winery Event Matrix
Left-Turn Lane Warrant Analysis

SEGMENT COLLISION RATE CALCULATIONS

County of Sonoma

Location: 1.5 mi north to 1.5 mi south of 4304 Dry Creek Road

Date of Count: Thursday, August 25, 2011
ADT: 3,000

Number of Collisions: 6
Number of Injuries: 3
Number of Fatalities: 0
Start Date: June 1, 2006
End Date: May 31, 2011
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: <=55
Terrain: Flat

Segment Length: 1.0 miles
Direction: North/South

$$\frac{\text{NUMBER OF COLLISIONS} \times 1 \text{ MILLION}}{\text{ADT} \times 365 \text{ DAYS PER YEAR} \times \text{SEGMENT LENGTH} \times \text{NUMBER OF YEARS}}$$

$$\frac{6 \times 1,000,000}{3,000 \times 365 \times 1 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.10 c/mvm	0.0%	50.0%
Statewide Average*	1.07 c/mvm	2.4%	38.0%

ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2009 Collision Data on California State Highways, Caltrans

Winery Trip Generation

Winery: Hale Winery
Location: 4304 Dry Creek Road, Healdsburg, CA
Annual Full Production (cases): 25,000 cases

WINERY OPERATIONS

WINERY Operations - Employee traffic using passenger vehicles, in average ADT

Item Description	Employees		Trips			
	Existing	Proposed	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production (use 3 ADT / employee)	n/a	1	n/a	3	6	3
Cellar / Storage (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Administrative (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Sales (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Bottling (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Other staff (describe):	n/a	0	n/a	0	0	0
Totals	0	5	0	15	12	15

WINERY Operations - Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 12 Dates of Activity: 8/15 to 10/15	n/a	0.07
Juice Importation Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Juice Exportation Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Pomace Disposal Truck loads per year: 0 Dates of Activity: - to - Disposed: on site	n/a	0
Bottle Delivery Truck loads per year: 13 Dates of Activity: Aug to Feb	n/a	0.10
Barrel Delivery Truck loads per year: 2 Dates of Activity: 9/1 to 9/30	n/a	0.02
Finished Wine Transportation to storage/sales Truck loads per year: 25 Dates of Activity: 1/1 to 12/31	n/a	0.19
Less Backhauls Truck loads per year: 0 Dates of Activity: 1/1 to 12/31	n/a	0
Miscellaneous trips Truck loads per year: 47 Dates of Activity: 1/1 to 12/31	n/a	1.36
Totals	0.00	1.73

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round (use 3 ADT / employee)	n/a	0	n/a	0
Vineyard Maintenance: Peak Season (use 3 ADT / employee)	n/a	0	n/a	0
Totals	n/a	0	0	0

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors (divide by 2.5 people per vehicle to arrive at ADT)	n/a	38	n/a	30
Tasting Room Employees (use 3 ADT / employee)	n/a	1	n/a	3
Other	n/a		n/a	
Totals	n/a	39	0	33

Months of Operation (attach an explanation of how the operation varies seasonally)	n/a	Year Round
Days of Operation (e.g., 7 days a week; weekends only; etc)	n/a	7 days a week
Hours of Operation - Non-Harvest Season	n/a	8am to 5pm
Hours of Operation - Harvest Season	n/a	8am to 8pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic (please transfer data from attached form)	n/a	8
Other (2 existing mobile homes and wine storage building)	n/a	
Totals	0	8

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Employee Traffic associated with winery operations	n/a	15
Truck Traffic associated with winery operations	n/a	2
Employee Traffic associated with vineyard operations	n/a	0
Tasting Room Traffic (employees and visitors)	n/a	33
Event Traffic (employee and visitors)	n/a	8
Miscellaneous other traffic generators	n/a	0
Totals	0	58

Variation In ADT during the course of a typical full production year (Proposed Trips)

Month	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Totals	53	40	67	41	53	64	57	67	64	82	59	33

EVENT SCHEDULE

Name of Facility: Hale Winery
 Type of event shown on this sheet: Weddings

PRMD File Number: PLP05-0062

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays												
Saturdays						1	1					
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event						100						
# employees / event						6						
# guest vehicles / event						40						
# employees / vehicles						1						

For Sunday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Agricultural Promotional Events

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays												
Saturdays	1	1	1	1	1	1	1	1	1	1	1	1
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?
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For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events												
# guests / event						80						80
# employees / event						5						5
# guest vehicles / event						32						32
# employees / vehicles						1						1

For Saturday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Charitable Benefits

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays										1	1	
Saturdays												
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	January	February	March	April	May	June	July	August	September	October	November	December	Arrival	Departure
# guests / event													80	80
# employees / event													5	5
# guest vehicles / event													32	32
# employees / vehicles													1	1

For Sunday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

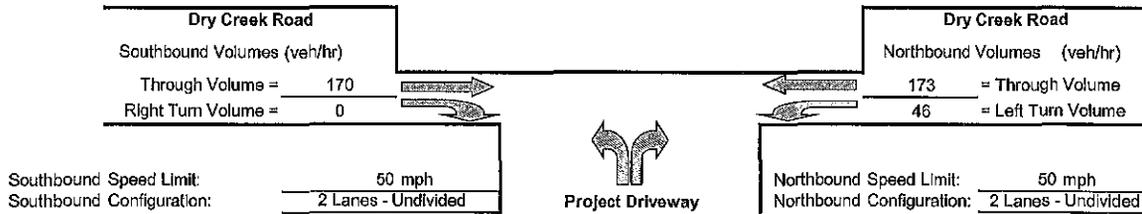
Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Dry Creek Road

Study Scenario: Existing + Project (Weekend Midday Peak for project, PM Peak for roadway)

Direction of Analysis Street: North/South

Cross Street Intersects: From the West



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

NOT WARRANTED - Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = -
 Advancing Volume Va = 170
 If $AV < Va$ then warrant is met -

Right Turn Lane Warranted: NO

Southbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume Va = 170
 If $AV < Va$ then warrant is met -

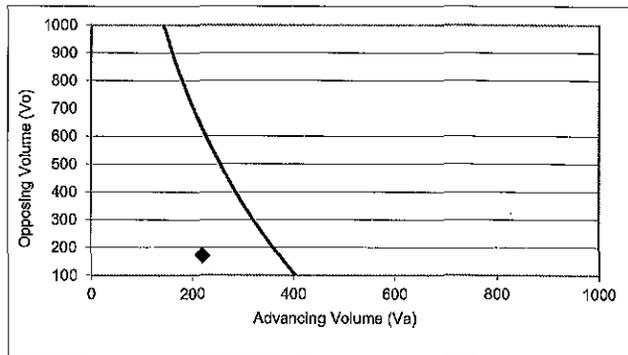
Right Turn Taper Warranted: NO

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt 21.0 %

Advancing Volume Threshold AV 373 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection

Two lane roadway warrant threshold for: 50 mph

Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.

The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.

The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroorty in 1991.

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505 Petaluma Boulevard South
Petaluma, California 94952

Tel: 707-766-7700
www.illingworthrodkin.com

Fax: 707-766-7790
illro@illingworthrodkin.com

December 12, 2006

Mr. Kenneth Wilson
438 Matheson Street
Healdsburg, CA 95448

Cc: Mr. Thomas W. Atterbury, RC
Atterbury & Associates, Inc.
16109 Healdsburg Avenue, Suite D
Healdsburg, CA 95448

VIA E-Mail: tatterbury@aol.com

SUBJECT: Hales Winery, Sonoma County, CA
Environmental Noise Assessment

Dear Ken:

This letter presents the results of our analysis of potential noise impacts resulting from the Hales Winery project proposed at 4304 Dry Creek Road in Sonoma County. The noise assessment was requested by Sonoma County to address potential noise related effects at receivers to the north and east that could result with the operation of the project. Regulatory criteria established in the Sonoma County General Plan are presented to establish significance thresholds for the impact analysis. The result of our noise monitoring survey is then presented. Future noise levels generated by the proposed project are calculated at nearby sensitive receivers and assessed with respect to established thresholds. Where noise levels are predicted to exceed applicable regulatory criteria, mitigation is proposed.

Regulatory Criteria

The Noise Element of the Sonoma County General Plan sets forth policies to protect people from exposure to excessive noise. A site exposed to a noise level exceeding 60 dBA L_{dn} is considered "noise impacted". If the source of noise affecting a residential area is an adjacent property, rather than a transportation source, then the noise limits set forth in Table NE-2 of the General Plan, shown in Table 1, determines if a property is "noise impacted".

Table 1 presents Sonoma County's Noise Level Performance Standards. Recently, the Planning Commission has prepared guidelines to address some technical problems with the original

standards¹. These standards are planning guidelines designed to control noise from daily, regular operations at a noise-generating use. Adjustments for ambient noise levels and source content (e.g., music) are required. Sonoma County does not have a Noise Ordinance to regulate intermittent activities, but often implements these planning guidelines for discretionary projects to regulate noise-producing uses.

TABLE 1: Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)

Hourly Noise Metric ¹	Maximum Exterior Noise Level Standards, dBA	
	Daytime 7 AM to 10 PM	Nighttime 10 PM to 7 AM
L ₅₀ (30 Minutes)	50	45
L ₂₅ (15 Minutes)	55	50
L ₀₈ (5 Minutes)	60	55
L ₀₂ (1 Minute)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

The applicable standards in Table NE-2 are reduced by 5 dBA if the standards exceed the ambient noise level by 10 or more decibels.

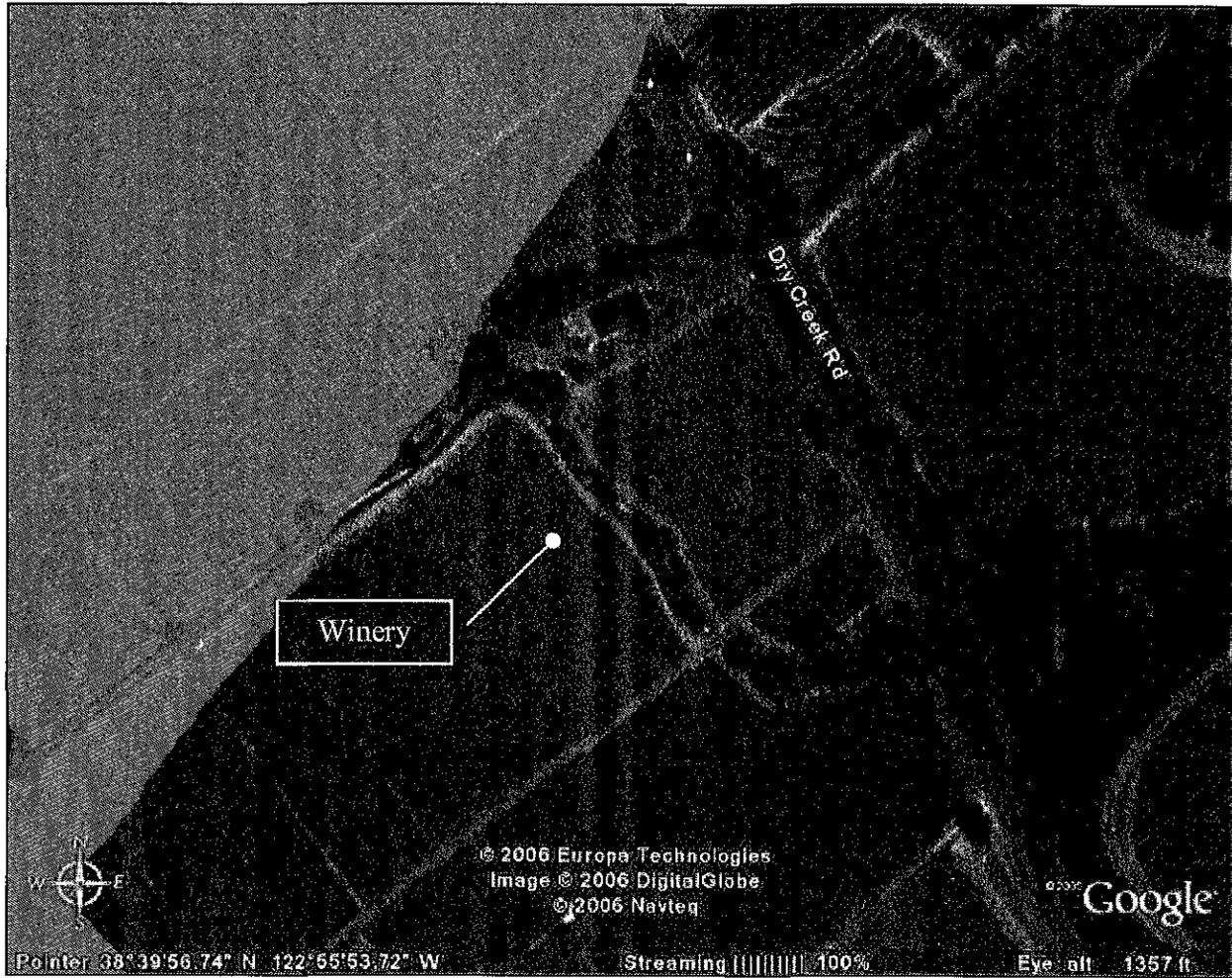
Noise Monitoring Survey

Illingworth & Rodkin, Inc. quantified ambient noise levels and identified sources of ambient noise at sensitive receivers to the north and east of the proposed winery. The approximate positions of the noise measurement locations are shown on Figure 1. A long-term noise measurement and a short-term noise measurement were made at representative locations to document existing noise levels at the nearest residential receivers. Long-term noise measurement location LT-1 was approximately 135 feet from the center of Dry Creek Road at the approximate setback of a residence north of the site. Noise levels were measured beginning on the afternoon of April 5, 2006 and concluding on the afternoon of April 7, 2006. Figures 2 and 3 show the daily distribution of noise levels gathered at LT-1. The day-night average noise level at LT-1 ranged from 57 to 58 dBA L_{dn}.

A short-term noise measurement was made at one additional location. The short-term measurement location was selected to represent the noise environment at the nearest residential land use to the east. The sound level meter was located approximately 87 feet from the center of Dry Creek Road to quantify noise levels closer to the roadway. The average noise level measured from 4:00 pm to 4:15 pm on April 5, 2006 was 60 dBA. The estimated L_{dn} noise level at this position is 63 to 64 dBA.

Figure 1 Aerial Photo Showing Noise Monitoring Positions

¹ Sonoma County Noise Element, from Denise Peter. to the Planning Commission, December 1, 2005.



**Noise Levels at LT-1
 ~ 135 feet from the Center of Dry Creek Road
 April 5 - 6, 2006**

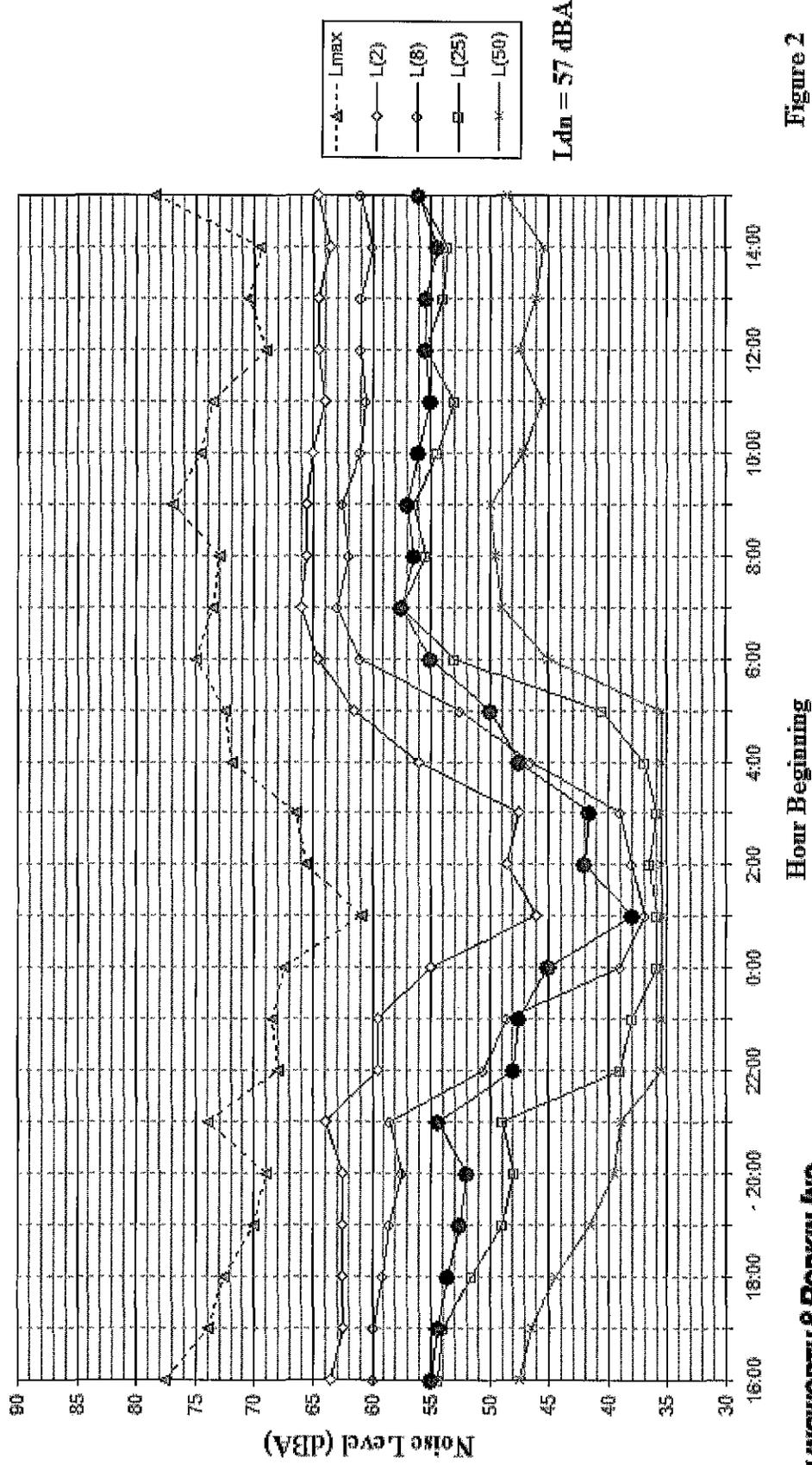


Figure 2

Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 6 - 7, 2006

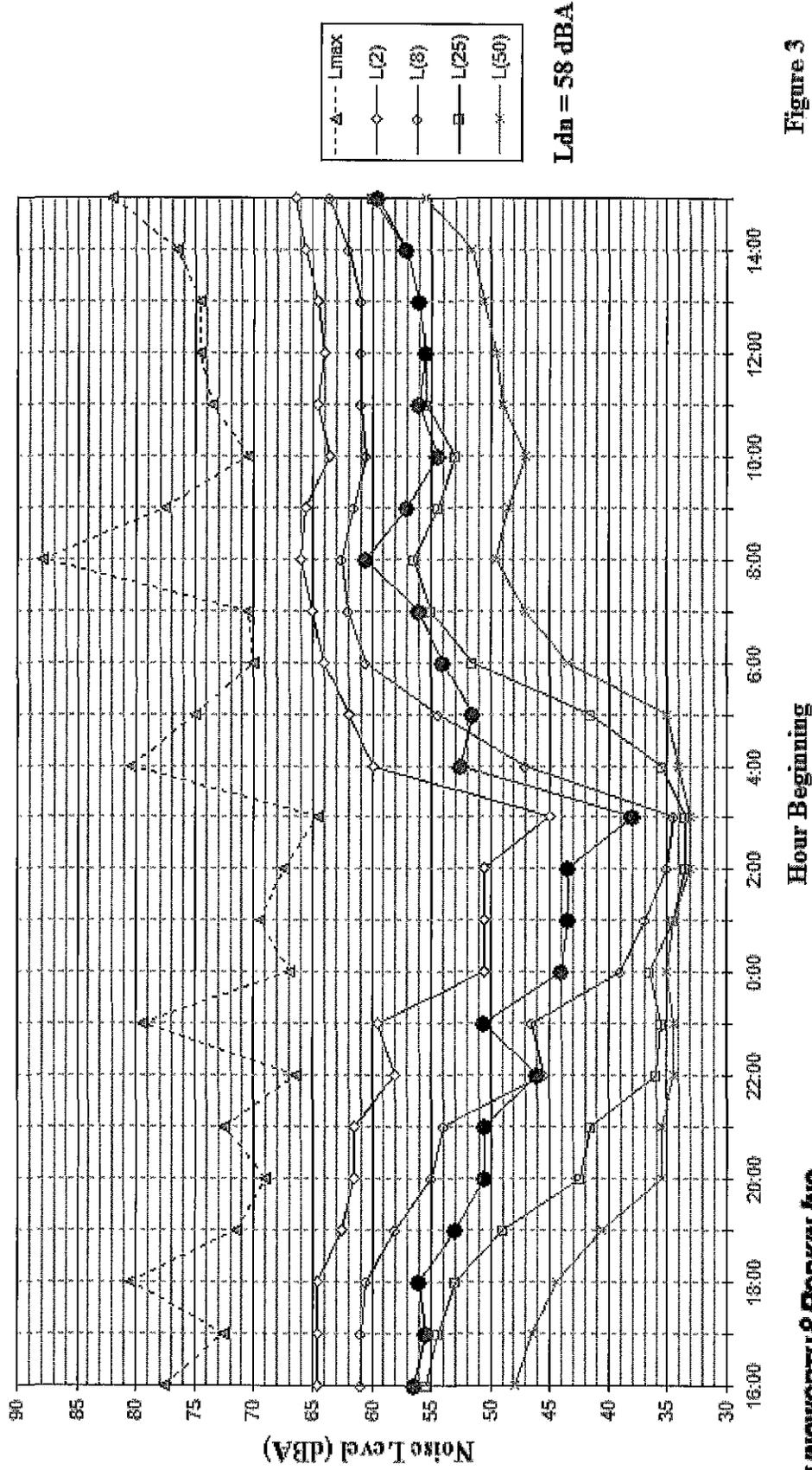


Figure 3

Assessment Methodology

Noise generated by the proposed project was assessed against the Table NE-2 guidelines presented in the County's Noise Element. These guidelines establish daytime and nighttime noise level limits for noise events of varying durations. The NE-2 limits are adjusted based on ambient noise conditions and the type of noise generated by the project.

For the purposes of this study, a reasonable interpretation of the NE-2 guidelines has been implemented in the adjustment of the NE-2 guidelines. Adjustments to the NE-2 guidelines were made after reviewing the three quietest daytime and nighttime hours and arithmetically averaging the data during these hours for the specified noise descriptors. If ambient noise levels during the three quietest daytime or nighttime hours exceeded the NE-2 guidelines, the ambient noise level became the assessment level. If ambient noise levels during the three quietest daytime or nighttime hours were at least 10 dBA below the levels established in the General Plan, a 5 dBA penalty was applied. An additional 5 dBA penalty was applied to special events noise assuming that these events would primarily generate noise as a result of speech or music.

Noise Assessment

The proposed project consists of a 25,000 case winery and public tasting room. Hours of operation would typically be from 8:00 am to 5:00 pm, but would extend to 10:00 pm during harvest season. Up to 20 special events with a maximum of 150 guests are planned yearly.

Project Generated Traffic Noise Level Increase

The operation of the project would generate additional traffic along Dry Creek Road. A review of the project's *Focused Traffic Impact Study*² indicates that the project would generate an average of 26 trips to the site on a daily basis. These trips include employees, truck traffic, and tasting room visitors. Existing traffic volumes along Dry Creek Road are approximately 2,200 vehicles per day. The additional trips resulting from the project would not measurably increase traffic noise levels along Dry Creek Road.

Driveway and Parking Lot Noise

Noise generated by vehicular traffic accessing the winery would include the sounds of vehicles accessing the parking area, engine starts, door slams, and people talking. The nearest residential property line to the north is approximately 25 feet from the project's driveway and approximately 50 feet from the nearest parking stalls. Similarly, the southernmost driveway passes within approximately 25 feet of the nearest property line to the south. Typically, the sound of a passing car at 15 mph, engine starts, and door slams range from 56 dBA to 66 dBA L_{max} at 25 feet. Noise generated by autos on a typical day would be assumed to occur less than 15 minutes out of an hour (Category 3). Autos traveling along the driveways would generate L_8 noise levels of about 44 dBA at the nearest residential property lines assuming half of all the autos associated with the project (12 per hour) would arrive/leave during the same hour. Noise

² Focused Traffic Impact Study for Opinion Winery, W-Trans, March 30, 2006.

Mr. Kenneth Wilson

May 1, 2006

Page 8

levels associated with project autos would meet the Category 4 and Category 5 noise standards at adjacent residential property lines.

Trucks would generate maximum noise levels of about 68 dBA at 25 feet during a low-speed passbys. Noise generated by intermittent truck passbys would be below existing maximum noise levels and would meet the NE-2 guidelines for $L_{(02)}$ noise events during daytime hours. Trucks would exceed the nighttime $L_{(02)}$ noise level limits at the property line of the nearest receiver to the north.

Noise sources such as engine starts, door slams, and people talking in the parking lot would range from about 50 to 60 dBA at a distance of 50 feet (nearest residential property line to north) and would be less than the adjusted daytime NE-2 noise level limit for sounds occurring less than 5 minutes in any one-hour period. Parking lot noise would be 34 to 44 dBA at a distance of 300 feet (nearest residential property line to east)

Mitigation: Trucks should be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

Mechanical Equipment Noise

The project would likely include noise-generating mechanical equipment such as air-cooled condensing units, pumps, and compressors as well as less significant sources of noise, such as air-conditioning systems and exhaust fans. At this point in the planning process, specifics regarding mechanical equipment included in the project, such as unit type, size, capacity, location, etc. are not available. Therefore, the selection of such equipment, proposed placement, and design of enclosures (if necessary) shall be considered during project-level review to ensure the noise level resulting from the operation of this equipment is maintained at or below 40 dBA at the nearest residential property line to the north and 45 dBA at the nearest residential property line to the east.

Mitigation: During final design, noise-generating mechanical equipment shall be reviewed to ensure that operational noise does not exceed the County's NE-2 Guidelines at the nearby residential properties.

Seasonal Production Related Noise

Production related noise would occur during the harvest season and when wine is bottled. Crushing activities would occur for a period of about six to eight weeks per year, however, activities would not occur on a daily basis during this timeframe. Grapes would be harvested from vineyards on-site for processing at the winery building. Grapes would also be imported to the winery from off-site vineyards (12 truck loads per year). Grape bins would be unloaded from each flatbed truck with an electric or propane forklift at the crush loading area. Grapes would then be crushed and pressed, and the juice would be pumped into fermentation tanks within the winery building. Noise generated during the harvest primarily result from truck movements, forklift operations, the crusher/de-stemmer and press, and the pressure washing of grape bins. Based on data gathered by Illingworth & Rodkin, Inc., noise levels generated during harvest are

Mr. Kenneth Wilson

May 1, 2006

Page 9

approximately 63 dBA L_{eq} at 50 feet assuming unshielded conditions. At the property line nearest the receiver to the east (approximately 300 feet from the crush area), exterior noise levels generated during crush would be about 47 dBA L_{eq} . At the property line nearest the receiver to the north (approximately 450 feet from the crush area), exterior noise levels would be about 44 dBA L_{eq} . These noise levels would occur during daytime hours only and would be in compliance with the adjusted Category 1 limits assuming that these noises would occur over a cumulative duration of 30 minutes per hour.

Bottling would occur inside a mobile bottling truck. Bottling trucks have the capacity to bottle approximately 1,500 to 1,800 cases per 8-hour day; therefore, it is assumed that bottling would occur for a two to three week period (14 to 17 days per year). It is assumed that the bottling truck would be located at the crush loading area and would operate during daytime hours only. Noise levels at the rear of bottling trucks are approximately 67 dBA L_{eq} at 50 feet assuming unshielded conditions. It is also assumed that bottling would occur over 30 minutes during any hour (Category 1). At the property line nearest the receiver to the east, exterior noise levels generated during bottling would be steady at about 51 dBA. At the property line nearest the receiver to the north, exterior noise levels would be about 48 dBA. Unattenuated bottling noise would exceed the adjusted daytime guideline of 45 dBA (-5 dBA based on ambient) at the nearest receiver to the north. If the bottling truck were located south of the winery and shielded from the view of receivers to the north, noise levels generated by bottling would at least 5 dBA lower (43 dBA) and would meet the adjusted Category 1 limit. Bottling noise would slightly exceed the Category 1 limit at the nearest receiver to the east.

Mitigation: Crushing or bottling should not occur between the hours of 10:00 p.m. and 7:00 a.m. During bottling, the rear of the bottling truck should be oriented to the west, away from the nearest receiver to the east, to reduce noise levels into compliance with the Table NE-2 guidelines.

Special Events

On twenty occasions per year, the project would host special events with a maximum of 150 guests in attendance. Special events would generally be limited to wine-tasting and other trade related events (approximately six per year), business meetings, reunions, and weddings (approximately twelve per year). Concerts are not proposed. There would be no amplified music. Noise generated by such events would typically result from autos on the project driveway, parking lot noises, and the events themselves (e.g., unamplified music at a wedding, conversations, etc.).

Special events would generate approximately 86 trips along the project driveways. L_8 noise levels generated by autos during a special event would be about 49 dBA at the nearest residential property line assuming half of all the autos associated with the project would arrive/leave during the same hour (worst-case). Noise generated by autos would be assumed to occur less than 15 minutes out of an hour on a typical day and would be well below the Category 3 standard.

Special events would occur on the west side of the winery building and would be fully shielded from the nearest residential uses to the north and east. The special event area is a minimum distance of 200 feet from the nearest residential property line to the north and 320 feet from the nearest residential property line to the east. Unamplified music at a wedding would generate noise levels of approximately 62 dBA at a distance of 50 feet. At the nearest residential property line to the north, noise levels are calculated to be 40 dBA assuming the shielding provided by the building and the distance between the noise source and receivers. Noise levels would be approximately 36 dBA at the nearest residential property line to the east. Noise levels generated by wine tasting events, business meetings, and reunions would be expected to be lower. Special event noise would be in compliance with the Table NE-2 guidelines without additional mitigation.

Table 3 summarizes the estimated noise levels generated by proposed activities at Hales Winery at the nearest residential property line to the north. Table 4 summarizes noise levels at the nearest residential property line to the east.

TABLE 3: NOISE LEVELS AT RESIDENTIAL PROPERTY LINE (NORTH)				
	Category 1	Category 2	Category 3	Category 4
	30 Minutes	15 Minutes	5 Minutes	1 Minute
Table NE-2 Daytime Limits	50	55	60	65
Table NE-2 Nighttime Limits	45	50	55	60
Table NE-2 Daytime Limits Adjusted to Reflect Ambient Conditions (Adjustment)	45 (-5 dB)	50 (-5 dB)	60	65
Table NE-2 Nighttime Limits Adjusted to Reflect Ambient Conditions (Adjustment)	40 (-5 dB)	45 (-5 dB)	50 (-5 dB)	55 (-5 dB)
Trucks on Driveway				63
Autos on Driveway (Typical Day)			44	51-61
Parking Lot				50-60
Mechanical Equipment	< 40*			
Crushing (Daytime Only)	44			
Bottling (Daytime Only)	43			
Autos on Driveway (Special Event)			49	51-61
Unamplified Music	40			

* Design shall limit noise generated by mechanical equipment to 40 dBA or less.

TABLE 4: NOISE LEVELS AT NEAREST PROPERTY LINE (EAST)				
	Category 1	Category 2	Category 3	Category 4
	30 Minutes	15 Minutes	5 Minutes	1 Minute
Table NE-2 Daytime Limits	50	55	60	65
Table NE-2 Nighttime Limits	45	50	55	60
Table NE-2 Daytime Limits Adjusted to Reflect Ambient Conditions (Adjustment)	50	55	62 (+2 dB)	68 (+3 dB)
Table NE-2 Nighttime Limits Adjusted to Reflect Ambient Conditions (Adjustment)	45	45 (-5 dB)	50 (-5 dB)	60
Trucks on Driveway				63
Autos on Driveway (Typical Day)			44	51-61
Parking Lot				34-44
Mechanical Equipment	< 45*			
Crushing (Day or Night)	47			
Bottling (Daytime Only)	49			
Autos on Driveway (Special Event)			49	51-61
Unamplified Music	36			

* Design shall limit noise generated by mechanical equipment to 45 dBA or less.



This concludes our assessment of noise resulting from the Hales Winery project. If you have any questions or comments, please do not hesitate to call.

Sincerely,

Michael S. Thill
 Senior Consultant
ILLINGWORTH & RODKIN, INC.

(06-068)

ILLINGWORTH & RODKIN, INC.
||| Acoustics • Air Quality |||

1 Willowbrook Court, Suite 120
Petaluma, California 94954

Tel: 707-794-0400
www.illingworthrodkin.com

Fax: 707-794-0405
illro@illingworthrodkin.com

May 13, 2014

Mr. Kenneth Wilson
438 Matheson Street
Healdsburg, CA 95448

VIA E-Mail: ken@wilsonwinery.com

**SUBJECT: Hales Winery, Sonoma County, CA
Special Events Noise Assessment**

Dear Ken:

This letter presents the results of our analysis of potential noise impacts resulting from special events at Hales Winery proposed at 4304 Dry Creek Road in Sonoma County. We understand that the 25,000 case winery project was previously approved, and that the County has requested an updated sound study to address amplified music during proposed special events. We also understand that amplified speech or music is no longer proposed as part of special events.

This assessment includes a summary of applicable regulatory criteria established in the Sonoma County General Plan, a summary of ambient noise data, and projections of noise levels calculated at nearby sensitive receivers during special events. Where noise levels are predicted to exceed applicable regulatory criteria, mitigation is proposed.

Regulatory Criteria

Goals, objectives, and policies, designed to protect noise-sensitive uses from exposure to excessive noise, are set forth in the Noise Element of the Sonoma County General Plan 2020. The following objectives and policies are applicable in the assessment of the proposed project:

- Objective NE-1.2:** Develop and implement measures to avoid exposure of people to excessive noise levels.
- Objective NE-1.3:** Protect the present noise environment and prevent intrusion of new noise sources which would substantially alter the noise environment.

Policy NE-1a: Designate areas within Sonoma County as noise impacted if they are exposed to existing or projected exterior noise levels exceeding 60 dB L_{dn}, 60 dB CNEL, or the performance standards of Table NE-2 (Table 1 of this report).

Policy NE-1c: Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 (Table 3) of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use. Limit exceptions to the following:

(1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.

(2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.

(3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.

(4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.

(5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:

(a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and

(b) There is available open land on these noise sensitive lands for noise attenuation. This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

TABLE 1 Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)

Hourly Noise Metric ¹ , dBA	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
L ₅₀ (30 minutes in any hour)	50	45
L ₂₅ (15 minutes in any hour)	55	50
L ₀₈ (5 minutes in any hour)	60	55
L ₀₂ (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

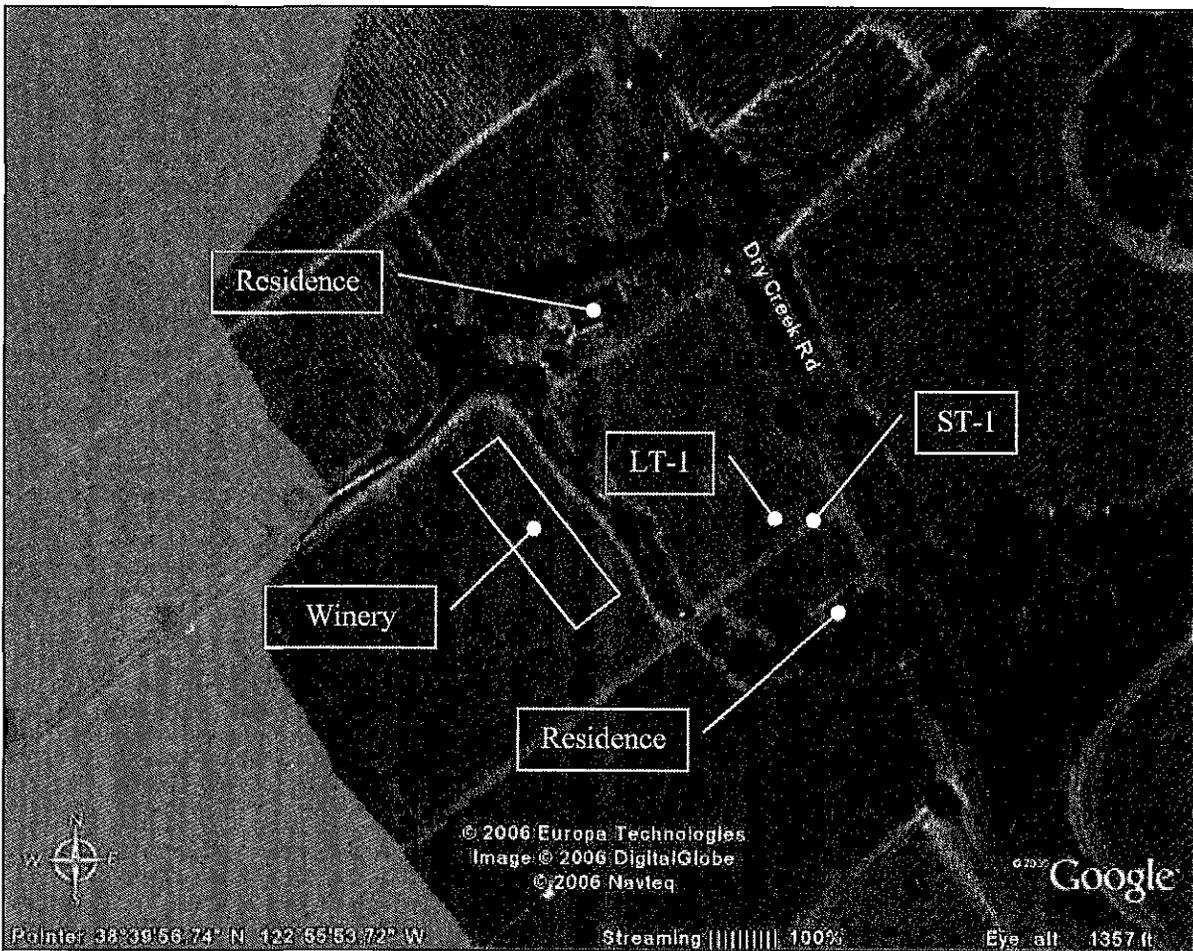
Noise Monitoring Survey

Illingworth & Rodkin, Inc. quantified ambient noise levels and identified sources of ambient noise at sensitive receivers to the north and east of the proposed winery. The approximate positions of the noise measurement locations are shown on Figure 1. A long-term noise measurement and a short-term noise measurement were made at representative locations to document existing noise levels at the nearest residential receivers.

Long-term noise measurement location LT-1 was approximately 135 feet from the center of Dry Creek Road at the approximate setback of a residence north of the site. Noise levels were measured beginning on the afternoon of April 5, 2006 and concluding on the afternoon of April 7, 2006. Figures 2 and 3 show the daily distribution of noise levels gathered at LT-1. The day-night average noise level at LT-1 ranged from 57 to 58 dBA L_{dn}.

A short-term noise measurement was made at one additional location. The short-term measurement location was selected to represent the noise environment at the nearest residential land use to the east. The sound level meter was located approximately 87 feet from the center of Dry Creek Road to quantify noise levels closer to the roadway. The average noise level measured from 4:00 pm to 4:15 pm on April 5, 2006 was 60 dBA. The estimated L_{dn} noise level at this position is 63 to 64 dBA.

Figure 1 Aerial Photo Showing Noise Monitoring Positions



Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 5 - 6, 2006

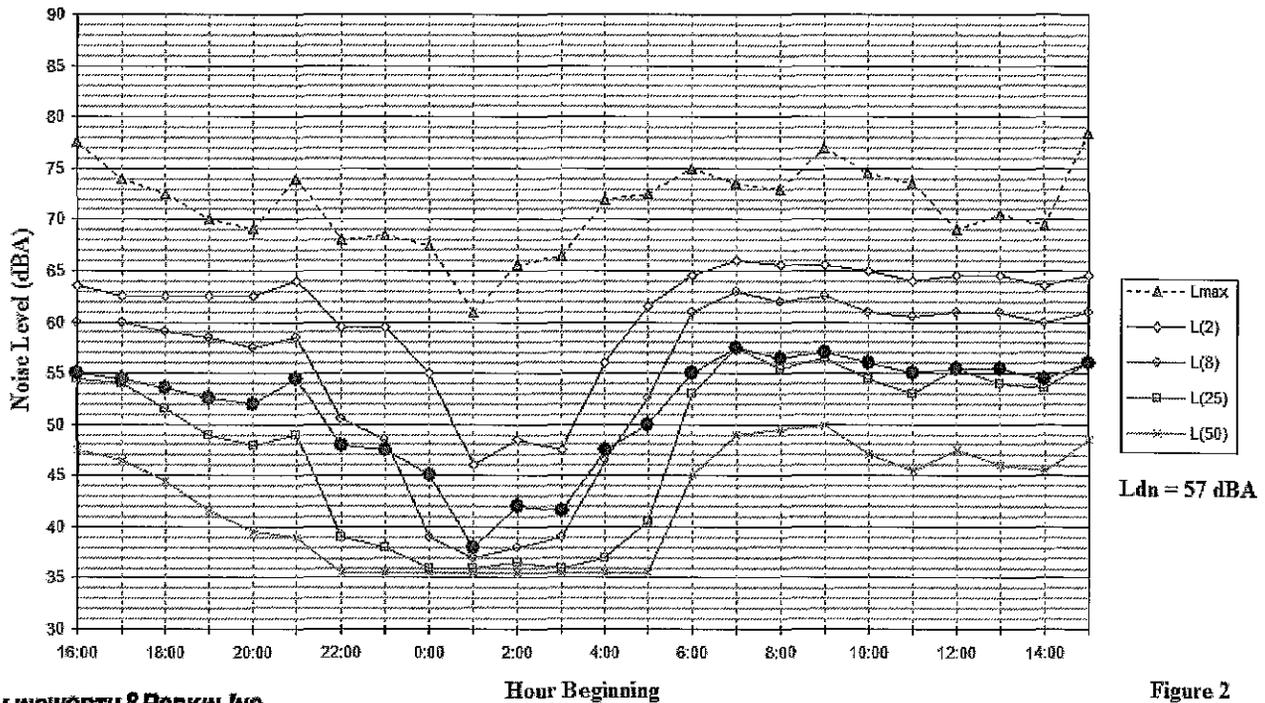


Figure 2

Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 6 - 7, 2006

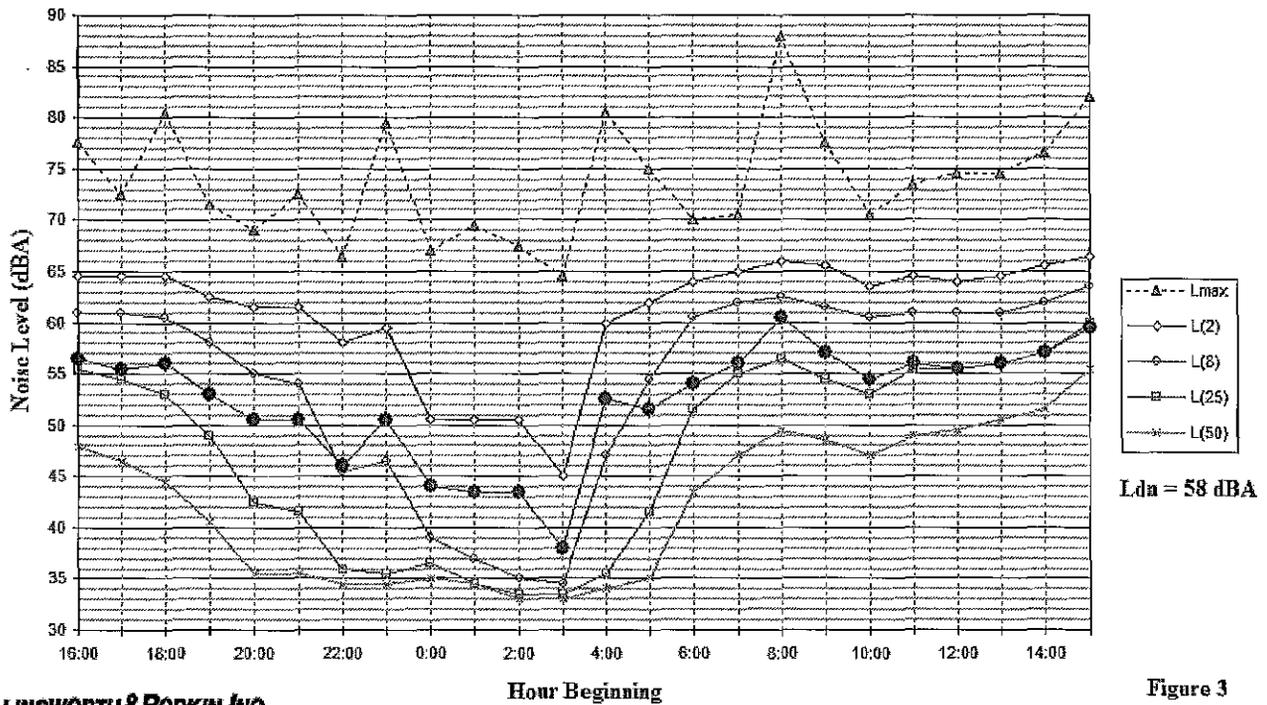


Figure 3

Noise Assessment

Estimating the expected noise produced by, and impacts from special events at adjacent noise sensitive uses requires three elements; the first is an assessment of what noise producing operations are likely to occur, the second is typical noise source levels for those operations, and the third is to determine the temporal nature of the operations.

To estimate the noise levels associated with special events, some attention must be given to the temporal nature of the noise produced. Based on a review of the site plan, outdoor events are expected to be held east of the tasting room and barrel room at the grass event area. Table 2 lists typical noise levels generated by small to moderate sized events at distances of 50 feet from the source.

TABLE 2: Typical Noise Source Levels for Special Events (A-Weighted L₅₀ Levels)

Event or Activity	Typical Noise Level @ 50 ft.
Amplified Music ¹	72 dBA
Amplified Speech	71 dBA
Non-amplified (acoustic) Music	67 dBA
Films – Voices/Music	64 dBA
Raised Conversation	64 dBA

¹ Amplified concert type music events are not proposed– such events would increase L₅₀ sound levels to 80 dBA @ 50 feet.

The final step in estimating the project noise levels is assessing the propagation of sound to the sensitive receptors. To do this, it is necessary to assume some rate of sound attenuation between the operations and receiver locations. The most dominant physical effect is due to the spreading out of sound waves with distance. For simple, single sources such as fixed equipment and stationary truck operations, the divergence of the sound wave is hemispherical in nature producing a reduction of 6 dB with each doubling of distance. For moving sources of noise, such as auto traffic or truck movements, which are considered linear sources of noise, the divergence of the sound wave is cylindrical in nature producing a reduction of 3 to 4 ½ dB with each doubling of distance. Other effects can modify these fall-off rates such as partial shielding from buildings or topography, atmospheric attenuation of sound, ground absorption, and meteorological effects. These effects almost always reduce the noise in addition to that due to sound divergence. As most of these effects will vary with time due to changing environmental conditions, it is most conservative to assume only attenuation due to divergence for outdoor activities and conservative (minimal) rate of structural attenuation (12 dBA) when operations are conducted within buildings, realizing that the actual noise level will be at or, most likely, below those predicted using this assumption at any one time.

To evaluate noise impacts on area noise sensitive uses, the closest residences to the site were located and noise levels were propagated to these residences as follows (see Figure 1):

Residence 1: This residence is located approximately 140 feet west of Dry Creek Road and north of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position LT-1.

Residence 2: This residence is located approximately 40 feet west of Dry Creek Road and south of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position ST-1. Noise levels are approximately 6 dBA higher at this receptor due to closer proximity to Dry Creek Road.

Ambient noise levels at these residences under worst case conditions were calculated using the sound level differences noted above and the measurement results shown on Figures 2 and 3, presented below in Table 3.

TABLE 3: Calculated Ambient Noise Levels at Adjacent Noise Sensitive Uses

Hourly Noise Metric	Exterior Ambient Noise Levels	
	Residence 1	Residence 2
	Ave. Daytime Level	Ave. Daytime Level
L ₅₀ (30 Min.)	46	52
L ₂₅ (15 Min.)	54	60
L ₀₈ (5 Min.)	60	66
L ₀₂ (1 Min.)	64	70

Impact Assessment

Special events planned at the winery include weddings (2 per year), wine club member dinners (14 per year), community service hosting events (1 to 2 per year), and industry wide events (6 per year). The winery is requesting a total of 8 events per year (weddings and industry wide events) with an attendance of up to 100 people, and 15 to 16 events with an attendance of up to 80 people. No amplification of speech or music would occur.

A review of the project site plan indicates that outdoor events would be held on the grass event area or flagstone patio area west of the tasting room and barrel room. Special events would be fully shielded from the nearest residential uses to the north and east (Residences 1 and 2) by the intervening buildings. A minimum 10 dBA of noise reduction would be expected due to the shielding provided by the buildings.

The special event area is a minimum distance of 200 feet from the nearest residential property line to the north and 320 feet from the nearest residential property line to the east. Non-amplified music at a wedding would generate worst-case noise levels of approximately 67 dBA at a distance of 50 feet. At the nearest residential property line to the north, noise levels are calculated to be 45 dBA assuming the shielding provided by the intervening building and the distance between the noise source and receiver. Noise levels would be approximately 41 dBA at the nearest residential property line to the east. Table 4 summarizes the assessment of outdoor special event noise.

TABLE 4: Outdoor Special Event L₅₀ Noise Levels

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₅₀ (Noise Level Exceeded 30 Minutes in any Hour), dBA	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
NE-2 Adjustment for speech and music	-5	-5
Unadjusted Table NE-2 Nighttime Limit	45	45
Nighttime Ambient Noise Levels	36	42
Nighttime Ambient Exceeds NE-2 Limit?	No	No
Nighttime NE-2 Ambient Adjustment	+0	+0
NE-2 Adjustment for speech and music	-5	-5
Special Event L₅₀ Noise Levels	Residence 1	Residence 2
Outdoor Non-amplified Music	45	41
Outdoor Raised Conversation	42	38
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Event Noises Exceed Ambient by 10 dBA?	No(day) Yes(night)	No(day) No(night)
NE-2 Adjustment	+0(day) -5(night)	+0(day) +0(night)
Adjusted Table NE-2 Daytime Limit	45	47
Adjusted Table NE-2 Nighttime Limit	35	40
Non-amplified Music Exceeds Adjusted NE-2?	No (day) Yes (night)	No (day) Yes (night)
Raised Conversation Exceeds Adjusted NE-2?	No (day) Yes (night)	No (day) No (night)

Mitigation:

Based on the findings above, noise generated by non-amplified music and raised conversations would meet the daytime noise limits at Residences 1 and 2. Because event noise has the potential to result in an exceedance of the County NE-2 standards at night, all outdoor events extending past 10 pm should be moved indoors. The relocation of events indoors would provide about 15 dBA of noise reduction, assuming that windows are partially open for ventilation, resulting in operational noise levels below the ambient nighttime noise levels at Residences 1 and 2. No additional mitigation would be required to comply with the County NE-2 standards.



Mr. Kenneth Wilson
May 13, 2014
Page 10

This concludes our assessment of special event noise resulting from the Hales Winery project. If you have any questions or comments, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael S. Thill".

Michael S. Thill
Senior Consultant, Principal
ILLINGWORTH & RODKIN, INC.

(06-068)

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

1 Willowbrook Court, Suite 120
Petaluma, California 94954

Tel: 707-794-0400
www.illingworthrodkin.com

Fax: 707-794-0405
illro@illingworthrodkin.com

May 13, 2014
Revised October 9, 2014

Mr. Kenneth Wilson
438 Matheson Street
Healdsburg, CA 95448

VIA E-Mail: ken@wilsonwinery.com

**SUBJECT: Hales Winery, Sonoma County, CA
Special Events Noise Assessment**

Dear Ken:

This letter presents the results of our analysis of potential noise impacts resulting from special events at Hales Winery proposed at 4304 Dry Creek Road in Sonoma County. We understand that the 25,000 case winery project was previously approved, and that the County has requested an updated sound study to address non-amplified and amplified music during proposed special events.

This assessment includes a summary of applicable regulatory criteria established in the Sonoma County General Plan, a summary of ambient noise data, and projections of noise levels calculated at nearby sensitive receivers during special events. Where noise levels are predicted to exceed applicable regulatory criteria, mitigation is proposed.

Regulatory Criteria

Goals, objectives, and policies, designed to protect noise-sensitive uses from exposure to excessive noise, are set forth in the Noise Element of the Sonoma County General Plan 2020. The following objectives and policies are applicable in the assessment of the proposed project:

Objective NE-1.2: Develop and implement measures to avoid exposure of people to excessive noise levels.

Objective NE-1.3: Protect the present noise environment and prevent intrusion of new noise sources which would substantially alter the noise environment.

Policy NE-1a: Designate areas within Sonoma County as noise impacted if they are exposed to existing or projected exterior noise levels exceeding 60 dB L_{dn} , 60 dB CNEL, or the performance standards of Table NE-2 (Table 1 of this report).

Policy NE-1c: Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 (Table 3) of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use. Limit exceptions to the following:

(1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.

(2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.

(3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.

(4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.

(5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:

(a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and

(b) There is available open land on these noise sensitive lands for noise attenuation. This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

TABLE 1 Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)

Hourly Noise Metric ¹ , dBA	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
L ₅₀ (30 minutes in any hour)	50	45
L ₂₅ (15 minutes in any hour)	55	50
L ₀₈ (5 minutes in any hour)	60	55
L ₀₂ (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

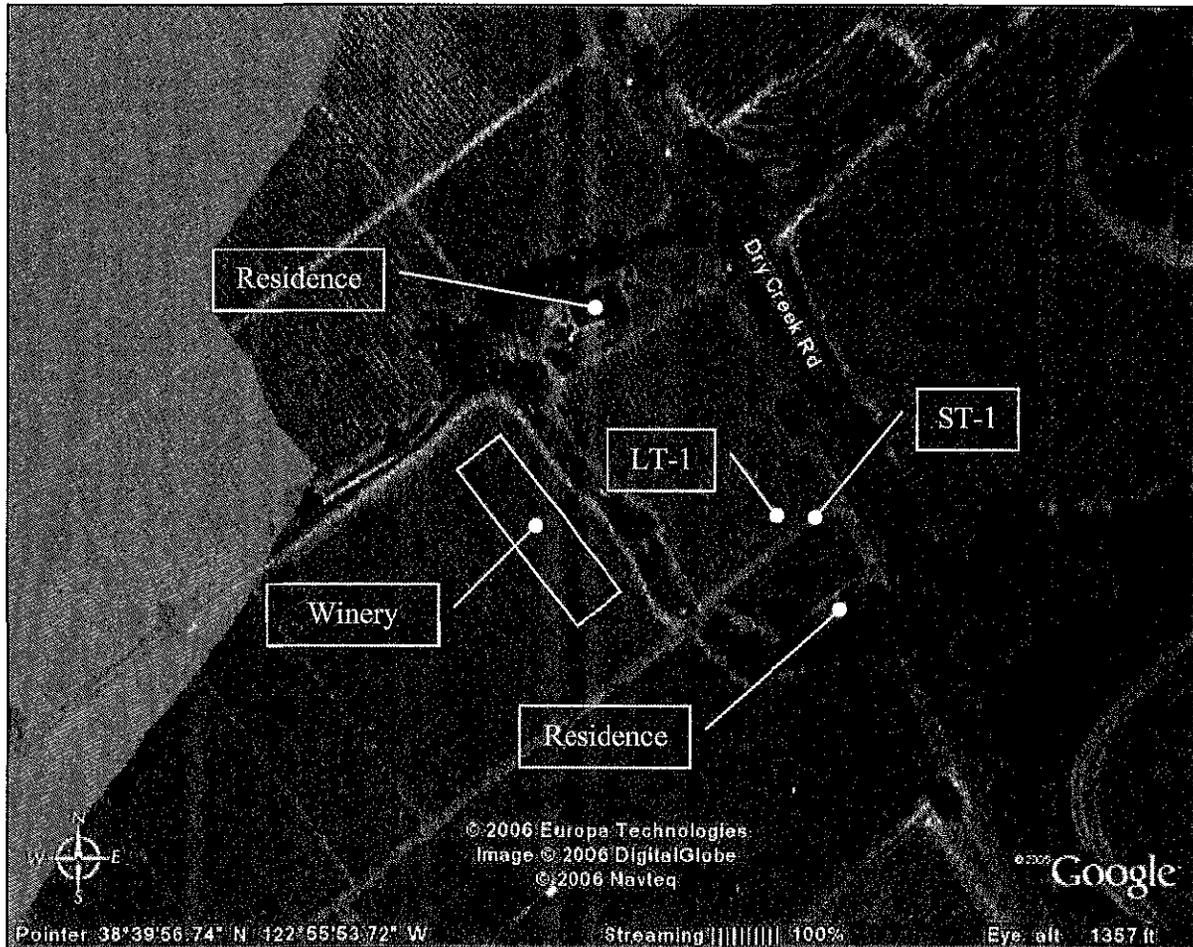
Noise Monitoring Survey

Illingworth & Rodkin, Inc. quantified ambient noise levels and identified sources of ambient noise at sensitive receivers to the north and east of the proposed winery. The approximate positions of the noise measurement locations are shown on Figure 1. A long-term noise measurement and a short-term noise measurement were made at representative locations to document existing noise levels at the nearest residential receivers.

Long-term noise measurement location LT-1 was approximately 135 feet from the center of Dry Creek Road at the approximate setback of a residence north of the site. Noise levels were measured beginning on the afternoon of April 5, 2006 and concluding on the afternoon of April 7, 2006. Figures 2 and 3 show the daily distribution of noise levels gathered at LT-1. The day-night average noise level at LT-1 ranged from 57 to 58 dBA L_{dn}.

A short-term noise measurement was made at one additional location. The short-term measurement location was selected to represent the noise environment at the nearest residential land use to the east. The sound level meter was located approximately 87 feet from the center of Dry Creek Road to quantify noise levels closer to the roadway. The average noise level measured from 4:00 pm to 4:15 pm on April 5, 2006 was 60 dBA. The estimated L_{dn} noise level at this position is 63 to 64 dBA.

Figure 1 Aerial Photo Showing Noise Monitoring Positions



Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 5 - 6, 2006

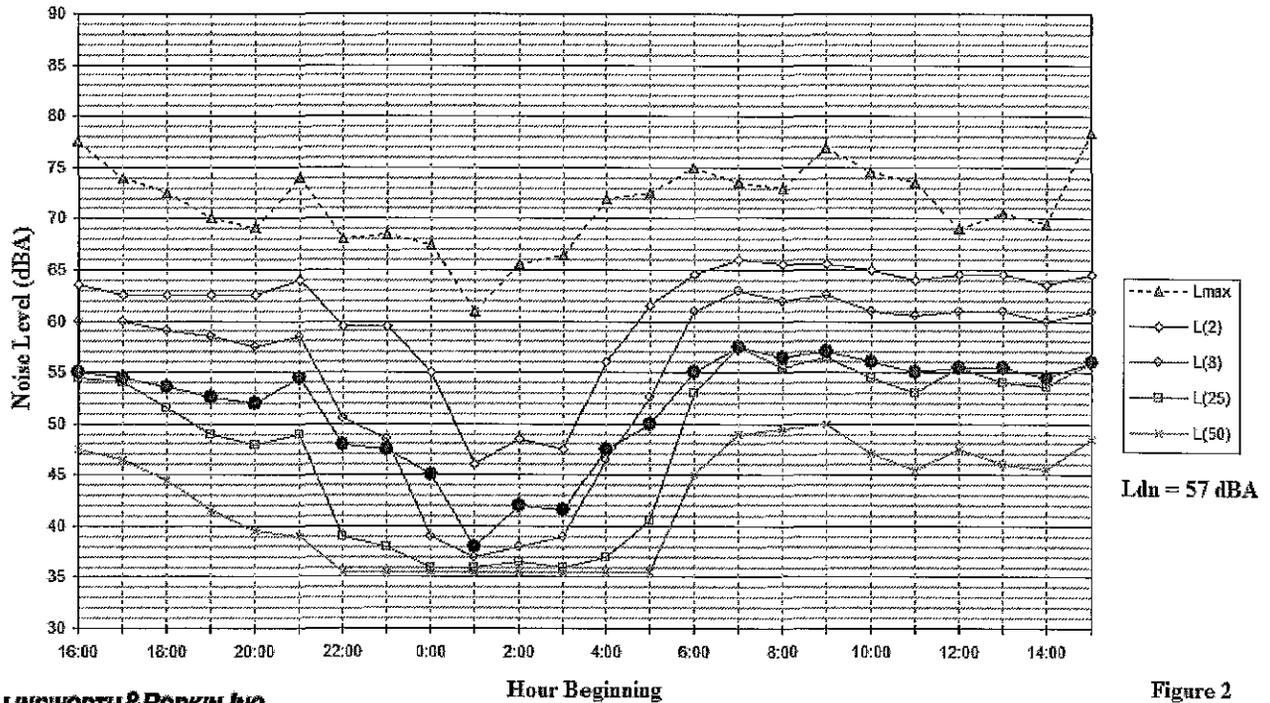
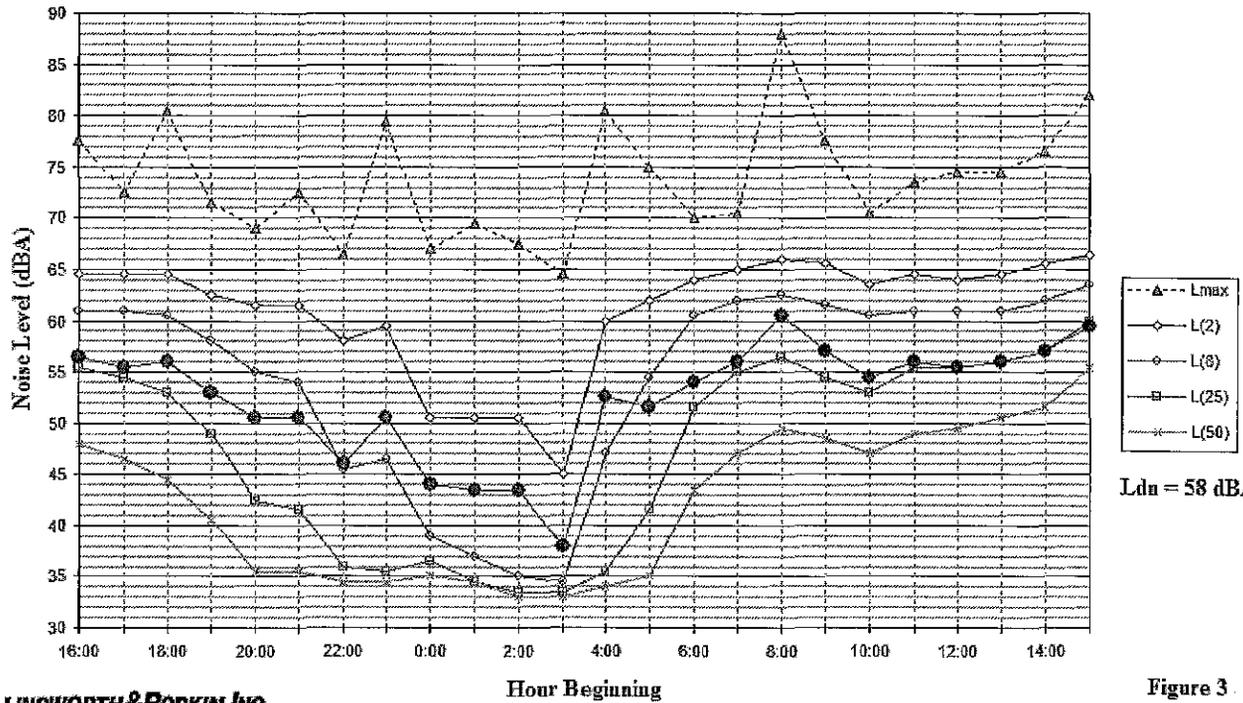


Figure 2

Noise Levels at LT-1
~ 135 feet from the Center of Dry Creek Road
April 6 - 7, 2006



Ldn = 58 dBA

Figure 3

Noise Assessment

Estimating the expected noise produced by, and impacts from special events at adjacent noise sensitive uses requires three elements; the first is an assessment of what noise producing operations are likely to occur, the second is typical noise source levels for those operations, and the third is to determine the temporal nature of the operations.

To estimate the noise levels associated with special events, some attention must be given to the temporal nature of the noise produced. Based on a review of the site plan, outdoor events are expected to be held east of the tasting room and barrel room at the grass event area. Table 2 lists typical noise levels generated by small to moderate sized events at distances of 50 feet from the source.

TABLE 2: Typical Noise Source Levels for Special Events (A-Weighted L₅₀ Levels)

Event or Activity	Typical Noise Level @ 50 ft.
Amplified Music ¹	72 dBA
Amplified Speech	71 dBA
Non-amplified (acoustic) Music	67 dBA
Films – Voices/Music	64 dBA
Raised Conversation	64 dBA

¹ Amplified concert type music events are not proposed– such events would increase L₅₀ sound levels to 80 dBA @ 50 feet.

The final step in estimating the project noise levels is assessing the propagation of sound to the sensitive receptors. To do this, it is necessary to assume some rate of sound attenuation between the operations and receiver locations. The most dominant physical effect is due to the spreading out of sound waves with distance. For simple, single sources such as fixed equipment and stationary truck operations, the divergence of the sound wave is hemispherical in nature producing a reduction of 6 dB with each doubling of distance. For moving sources of noise, such as auto traffic or truck movements, which are considered linear sources of noise, the divergence of the sound wave is cylindrical in nature producing a reduction of 3 to 4 ½ dB with each doubling of distance. Other effects can modify these fall-off rates such as partial shielding from buildings or topography, atmospheric attenuation of sound, ground absorption, and meteorological effects. These effects almost always reduce the noise in addition to that due to sound divergence. As most of these effects will vary with time due to changing environmental conditions, it is most conservative to assume only attenuation due to divergence for outdoor activities and conservative (minimal) rate of structural attenuation (12 dBA) when operations are conducted within buildings, realizing that the actual noise level will be at or, most likely, below those predicted using this assumption at any one time.

To evaluate noise impacts on area noise sensitive uses, the closest residences to the site were located and noise levels were propagated to these residences as follows (see Figure 1):

Residence 1: This residence is located approximately 140 feet west of Dry Creek Road and north of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position LT-1.

Residence 2: This residence is located approximately 40 feet west of Dry Creek Road and south of the project site. Ambient noise levels at this receptor are represented by the data collected at monitoring position ST-1. Noise levels are approximately 6 dBA higher at this receptor due to closer proximity to Dry Creek Road.

Ambient noise levels at these residences under worst case conditions were calculated using the sound level differences noted above and the measurement results shown on Figures 2 and 3, presented below in Table 3.

TABLE 3: Calculated Ambient Noise Levels at Adjacent Noise Sensitive Uses

Hourly Noise Metric	Exterior Ambient Noise Levels	
	Residence 1	Residence 2
	Ave. Daytime Level	Ave. Daytime Level
L ₅₀ (30 Min.)	46	52
L ₂₅ (15 Min.)	54	60
L ₀₈ (5 Min.)	60	66
L ₀₂ (1 Min.)	64	70

Impact Assessment

Special events planned at the winery include weddings (2 per year), agricultural promotional events (i.e., wine club member dinners - 12 per year), community service hosting events (2 per year), and industry wide events (8 per year). The winery is requesting a total of 4 events per year (weddings and community service hosting events) with an attendance of up to 100 people, 12 agricultural promotional events with an attendance of up to 80 people, and 8 industry wide events with a daily attendance of 300 people consisting of approximately 50 people per hour. All events will end by 10:00 pm.

A small amplified music system is proposed in the tasting room and would likely consist of computer speakers attached to a desktop computer. This amplified music system is intended to provide soft background music for the tasting room only. Such a small system, located within the tasting room, would not have sufficient power to produce noise levels outdoors that would exceed the County NE-2 standards at the nearest receptors. This amplified music system is not discussed further.

During the vast majority of special events planned at the winery, musicians would use acoustic instruments such as guitars or violins without any electronic amplification. A review of the project site plan indicates that outdoor events would be held on the grass event area or flagstone patio area west of the tasting room and barrel room. Special events would be fully shielded from the nearest residential uses to the north and east (Residences 1 and 2) by the intervening

buildings. A minimum 10 dBA of noise reduction would be expected due to the shielding provided by the buildings.

The special event area is a minimum distance of 200 feet from the nearest residential property line to the north and 320 feet from the nearest residential property line to the east. Assuming that non-amplified music would generate worst-case noise levels of approximately 67 dBA at a distance of 50 feet, noise levels are calculated to be 45 dBA at the nearest residential property line to the north when accounting for the acoustical shielding provided by the intervening building and the distance between the noise source and receiver. Noise levels resulting from non-amplified music would be approximately 41 dBA at the nearest residential property line to the east. Table 4 summarizes the assessment of outdoor special event noise resulting from non-amplified sources.

TABLE 4: Outdoor Special Event L₅₀ Noise Levels – Non-Amplified Sounds

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₅₀ (Noise Level Exceeded 30 Minutes in any Hour), dBA	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
NE-2 Adjustment for speech and music	-5	-5
Special Event L ₅₀ Noise Levels	Residence 1	Residence 2
Outdoor Non-amplified Music	45	41
Outdoor Raised Conversation	42	38
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Event Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	45	47
Non-amplified Music Exceeds Adjusted NE-2?	No	No
Raised Conversation Exceeds Adjusted NE-2?	No	No

Based on the findings above, noise generated by non-amplified music and raised conversations would meet the daytime noise limits at Residences 1 and 2.

Occasional private events (e.g., weddings, small parties, etc.) would have the option of using sound amplification equipment fitted with a limiter to prevent the volume from being turned up too high. Assuming that amplified music would generate worst-case noise levels of approximately 72 dBA at a distance of 50 feet, noise levels are calculated to be 50 dBA at the nearest residential property line to the north when accounting for the acoustical shielding provided by the intervening building and the distance between the noise source and receiver.

Noise levels resulting from amplified music would be approximately 46 dBA at the nearest residential property line to the east. Table 5 summarizes the assessment of outdoor special event noise resulting from non-amplified sources.

TABLE 5: Outdoor Special Event L₅₀ Noise Levels – Amplified Sounds

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₅₀ (Noise Level Exceeded 30 Minutes in any Hour), dBA	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
NE-2 Adjustment for speech and music	-5	-5
Special Event L₅₀ Noise Levels	Residence 1	Residence 2
Outdoor Amplified Music	50	46
Outdoor Raised Conversation	42	38
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Event Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	45	47
Amplified Music Exceeds Adjusted NE-2?	Yes	No
Raised Conversation Exceeds Adjusted NE-2?	No	No

Based on the findings above, noise generated by amplified music or speech outdoors at the winery would exceed the adjusted daytime noise limit at Residence 1 by 5 dBA, but would exceed the adjusted daytime noise limit at Residence 2. Therefore, sound amplification equipment should be fitted with a limiter to prevent the sound level from exceeding 67 dBA at a distance of 50 feet. With the incorporation of the sound limiter, operational noise levels assuming amplified music or speech outdoors at the winery would not exceed the adjusted daytime noise limit at Residence 1 or Residence 2.

Noise generated by amplified music or speech indoors would be approximately 15 dBA less at Residences 1 and 2 assuming that windows and doors of the winery building are partially open for ventilation. Operational noise levels assuming amplified music or speech indoors at the winery would not exceed the adjusted daytime noise limit at Residence 1 or Residence 2 as predicted noise levels would be 35 dBA and 31 dBA L₅₀, respectively. No additional mitigation would be required to comply with the County NE-2 standards if amplified music or speech is only allowed indoors.



Mr. Kenneth Wilson
May 13, 2014
Revised October 9, 2014
Page 11

This concludes our assessment of special event noise resulting from the Hales Winery project. If you have any questions or comments, please do not hesitate to call.

Sincerely,

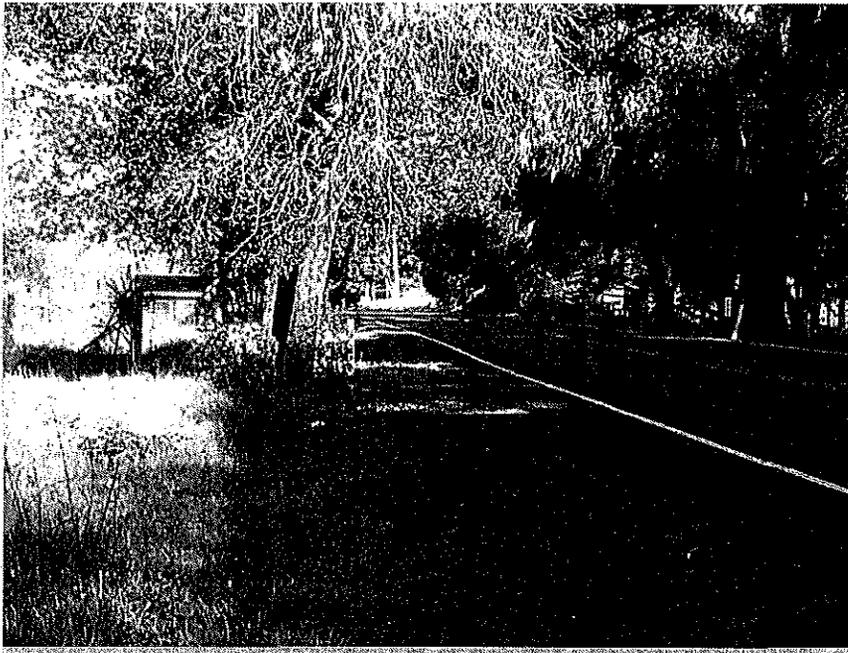
A handwritten signature in cursive script, appearing to read "Michael S. Thill".

Michael S. Thill
Senior Consultant, Principal
ILLINGWORTH & RODKIN, INC.

(06-068)

w-trans

Traffic Impact Study for the Hale Vineyard Winery



Prepared for the
County of Sonoma



Submitted by

Whitlock & Weinberger Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500

web www.w-trans.com

475 14th Street
Suite 290
Oakland, CA 94612

voice 510.444.2600

February 5, 2015

Table of Contents

	Page
Executive Summary	1
Introduction	2
Transportation Setting.....	4
Capacity Analysis	6
Alternative Modes	9
Site Access.....	10
Parking.....	12
Conclusions and Recommendations	13
Study Participants and References	14
Figure	
1 Study Area and Existing Volumes	3
Tables	
1 Trip Generation	6
2 Sight Distance Evaluation.....	10
Appendices	
A Intersection Level of Service Calculations	
B Collision Rate Calculations	
C Winery Trip Generation and Special Event Schedules	
D Turn Lane Warrants	

Executive Summary

To address ongoing concerns about the potential traffic impacts associated with the proposed Hale Vineyard Winery project, the letter report initially prepared for the project was expanded and later amended. These letters have been compiled into this single, comprehensive report for the benefit of the Board of Supervisors as well as the public. This report does not present new information; rather, it organizes and expands upon the information previously provided.

The proposed project would allow construction of a winery producing 25,000 cases annually at 4304 Dry Creek Road; the site is currently occupied by a storage facility and a 35-acre vineyard. The proposal also includes 24 special events. The winery and tasting room operation are expected to generate an average of 50 new trips per day, including 9 during the weekday p.m. peak hour and 10 during the Saturday midday peak hour; up to 92 trip ends would be generated by a large special event. The parking as proposed is adequate to serve all site uses.

Dry Creek Road currently carries about 3,050 vehicles per day on weekdays. While it has experienced an above average collision rate, the rate was not substantially above average, and review of the individual collisions did not indicate any specific safety concern. It is operating at LOS A during the weekday evening peak hour, and would operate at LOS B with project trips added. A sensitivity analysis indicates that up to 250 trips could be added to Dry Creek Road in each direction without exceeding the County's LOS C standard. The project trips, as well as those associated with multiple special events occurring simultaneously, would therefore be expected to have a less-than-significant impact.

Access to the project site will occur via the existing driveway at the westerly side of Dry Creek Road approximately 1500 feet south of Norris Road where sight lines in both directions are adequate. Additional visibility could be achieved by trimming vegetation along both sides of the road. A left-turn lane on Dry Creek Road at the project driveway is not warranted.

To support planned future construction of bike lanes along the section of Dry Creek Road serving the project site, right-of-way should be dedicated as necessary to achieve the width needed for the road widening.

Introduction

Introduction

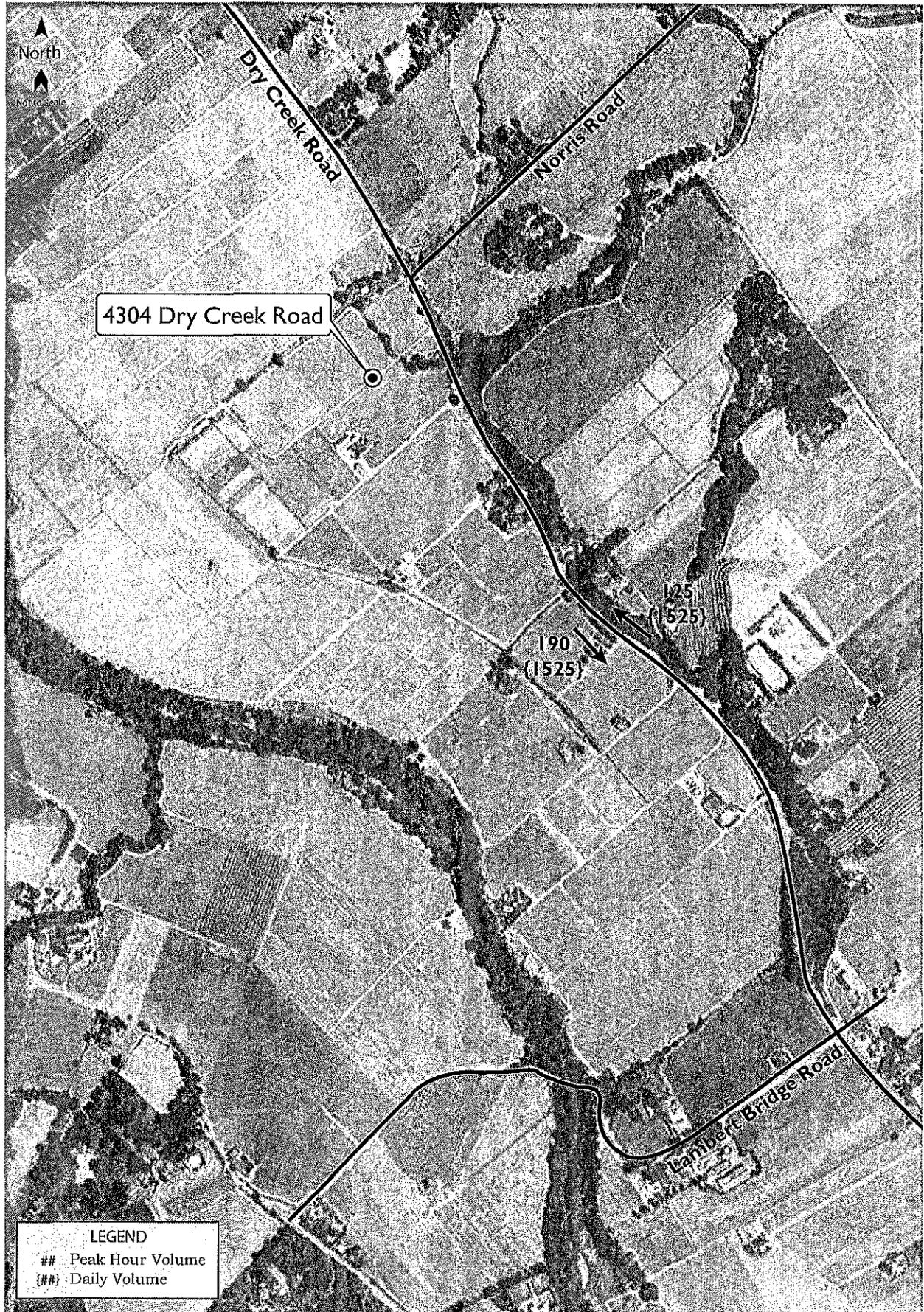
This report presents an analysis addressing potential traffic impacts associated with the development of the proposed Hale Vineyard Winery to be located at 4304 Dry Creek Road in the County of Sonoma, northwest of the City of Healdsburg.

Prelude

The purpose of a traffic impact study is to provide County staff and policy makers with data that they can use to make an informed decision regarding the potential traffic impacts of a proposed project, and any associated improvements that would be required in order to mitigate these impacts to a level of insignificance as defined by the County's General Plan or other policies. Vehicular traffic impacts are typically evaluated by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on existing travel patterns or anticipated travel patterns specific to the proposed project, then analyzing the impact the new traffic would be expected to have on critical intersections or roadway segments. Impacts relative to access for pedestrians, bicyclists, and to transit are also addressed.

Project Profile

The proposed project consists of the addition of a new winery producing 25,000 cases annually. The project application includes provisions for 24 special events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events on eight days. A vicinity map showing the project location is provided in Figure 1.



Traffic Impact Study for the Hale Vineyard Winery
Figure I – Study Area and Existing Volumes

Transportation Setting

Existing Conditions

Dry Creek Road is a two-lane road with a posted speed limit of 50 miles per hour (mph). There are paved shoulders on both sides of the road that are used as bicycle lanes. Based on counts collected by the County on August 11, 2014, north of Lambert Bridge Road, Dry Creek Road carries approximately 3,050 vehicles per day. Under these existing volumes the road operates at LOS A during the p.m. peak hour. It is classified as a Rural Major Collector road in Figure CT-4c of the *Sonoma County General Plan 2020 Circulation and Transit Element*. The roadway is marked with a solid double yellow centerline immediately in front of the driveway that transitions to a dashed yellow line for northbound traffic just north of Norris Road.

A copy of the level of service calculation is provided in Appendix A.

Study Area

The study area consists of Dry Creek Road fronting the winery site, and the project driveway providing access to the existing wine storage building and the 35-acre vineyard. The proposed project would take access from the existing driveway located on the west side of Dry Creek Road approximately 1,500 feet south of Norris Road and three-quarters of a mile north of Lambert Bridge Road.

Collision History

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current five-year period available is July 2008 through June 2013.

For this five-year period there were seven collisions reported on Dry Creek Road within one half mile in either direction of the existing driveway to the driveway resulting in a calculated collision rate 1.24 collisions per million vehicle miles (c/mvm) for the one-mile study segment. This was compared to the statewide average for two-lane rural roads with a speed limit less than 55 miles per hour, as published by California Department of Transportation (Caltrans). The statewide average for similar highway facilities is 0.93 c/mvm. The collision rate on this portion of Dry Creek Road is therefore slightly higher than the statewide average, so the records were reviewed in greater detail. Of the seven collisions reported, three were single vehicle collisions with improper turning described as the primary collision factor for two and driving under the influence for the other. The other four collisions involved two vehicles traveling in the same direction, so are likely associated with movements at driveways, and three were due to following drivers attempting to pass a vehicle making a turn. This type of collision is often associated with inadequate sight lines as well as drivers traveling at an excessive speed. As long as the driveway has adequate sight lines so that drivers have adequate time to react to movements into and out of the driveway, the project would not be expected to have a perceptible impact on safety conditions in the area.

The collision rate calculation is provided in Appendix B.

Traffic Operation Standards

The project site and study area fall under the County of Sonoma's jurisdiction. Based on the most recent criteria published by the County of Sonoma, the project would have a significant traffic impact if it results in any of the following conditions.

1. *On-site roads and frontage improvements:* Proposed on-site circulation and street frontage would not meet the County's minimum standards for roadway or driveway design, or potentially result in safety hazards, as determined by the County in consultation with a registered traffic engineer.
2. *Parking:* Proposed on-site parking supply would not be adequate to accommodate parking demand.
3. *Emergency Access:* The project site would have inadequate emergency access.
4. *Alternative Transportation:* The project provides inadequate facilities for alternative transportation modes (e.g., bus turnouts, bicycle racks, pedestrian pathways) and/or the project creates potential conflicts with adopted policies, plans, or programs supporting alternative transportation.
5. *Road Hazards:* Hazards are increased due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment, heavy pedestrian or truck traffic).
6. *Vehicle Queues:* The addition of project traffic causes the 95th percentile queue length to exceed roadway turn lane storage capacity.
7. *Signal Warrants:* The addition of the project's vehicle or pedestrian traffic causes an intersection to meet or exceed Caltrans signal warrant criteria.
8. *Turn Lanes:* The addition of project traffic causes an intersection to meet or exceed criteria for provision of a right- or left-turn lane on an intersection approach.
9. *Sight Lines:* The project constructs an unsignalized intersection (including driveways) or adds traffic to an existing unsignalized intersection approach that does not have adequate sight lines based upon Caltrans criteria for state highway intersections and County criteria for County roadway intersections.
10. *Intersections:* The County Level of Service standard for intersections is Level of Service D. The project would have a significant traffic impact if the project's traffic would cause an intersection currently operating at an acceptable level of service (LOS D or better) to operate below the standard (LOS E or F).
11. *Roadway Operation:* The Level of Service Standard for County roadway operations is to maintain a Level of Service C per Policy CT-4a.

Capacity Analysis

Project Description

The proposed project, as revised in July 2014, includes development of a 25,000 cases per year winery with a tasting room, as well as 24 special events and participation in two industry-wide events.

Trip Generation

For purposes of estimating the number of new trips that proposed projects can be expected to generate, *Trip Generation Manual*, 9th Edition, Institute of Transportation Engineers, 2012, is typically used. Since this publication does not contain information for wineries, Sonoma County's Winery Trip Generation form was used to determine the potential trip generation for the proposed project. Copies of the Winery Trip Generation spreadsheet and Event Schedule summaries are provided in Appendix C.

It was assumed that the winery will import just over half of the grapes needed to produce 25,000 cases of wine, with the remainder of the fruit coming from the adjacent vineyards.

The winery will have five employees for production, administration, and sales, and the tasting room will have one employee. Each is assumed to generate an average of three trips per day, resulting in 18 employee trips per day.

An average of 38 visitors per day is expected for tasting, with a high of 50 daily tasters during the summertime months and a low of about 20 visitors daily during the wintertime months. Based on the average vehicle occupancy of 2.5 visitors per vehicle and conservatively applying trips based on 50 visitors, an average of 30 daily trips is expected due to tasting room visitors. Data previously collected by W-Trans at a local Sonoma County Winery was used to develop factors for winery tasting room trips made during both the p.m. and weekend midday peak hour. These winery driveway counts were collected one week every month for a year and indicate that 10 percent of the daily tasting trips occur during the p.m. peak hour and 13 percent during the weekend midday peak. In addition to visitor and employee traffic, truck traffic in the form of deliveries is expected to contribute two trip ends per weekday.

As shown in Table I, the proposed tasting room project would be expected to generate an average of 50 new trip ends per day during peak operation, including 9 trips during the weekday p.m. peak hour and 10 during the weekend midday peak hour. These new trips represent the increase in traffic associated with the project compared to existing volumes.

**Table I
Trip Generation**

Trip Type	Units	Daily Trips	Weekday PM Peak			Saturday Midday Peak		
			Trips	In	Out	Trips	In	Out
Employees	5	15	5	1	4	5	2	3
Tasting Visitors	38	30	3	0	3	4	2	2
Tasting Room Employees	1	3	1	0	1	1	1	0
Trucks	1	2	0	0	0	0	0	0
Total New Trips		50	9	1	8	10	5	5

It should be noted that the trip generation estimates treat each visitor as if they were making a single-purpose trip to visit this one winery, when in fact most visitors are going to multiple tasting rooms while on the same trip. Given the proximity to other wineries along Dry Creek Road it is likely that the bulk of the tasting room traffic would be drawn from the existing stream of traffic generated by visitors already in the area that are visiting one or more of the surrounding wineries, so would not result in 30 new trips.

Special Events

The project application includes provisions for 24 special events per year, including 12 events with 80 persons in attendance, two 100-person weddings, two 100-person charitable benefit dinners, and participation in industry-wide events on eight days. It is assumed that a maximum sized 100-person event would require a staff of six. Using an occupancy of 2.5 vehicles per guests and solo occupancy for staff, a maximum sized event would be expected to generate 92 trip ends at the driveway, including 46 inbound trips at the start of the event and 46 outbound trips upon its conclusion. It is noted that, while employees would typically arrive an hour or more before guests arrive and depart an hour or more after they leave, it was conservatively assumed that they arrive and depart during the same hour as guests. Further, it was assumed that all guests arrive during a single hour and depart during a single hour, though there may be those who arrive late or depart early. The traffic volume actually arriving during a single hour would therefore likely be less than the volumes as indicated and used for the analysis.

Annual Average Daily Event Traffic

For the purpose of calculating traffic impact fees, Sonoma County uses an annualized average trip generation that factors in event traffic. Over the course of a year, events are expected to generate an annualized average of eight trips per day. Obviously events only generate traffic on days when they occur; however, this annualized average is provided for staff's use only and was not used for any analysis purposes.

Finding: A maximum sized event would have a peak trip generation of 46 vehicle trips during a single hour. Averaged out over the course of the year, special events are expected to generate an average of 8 trips a day (AADT), as indicated on the County's standard winery trip generation form.

Harvest Season

As proposed, there would be no additional employees during harvest season. The importing of grapes and other production-related trips results in about one truck trip per day, on average, over the course of the two-month harvest season, or one round trip every other day. The trip generation variation over the course of the year is shown in the Winery Trip Generation Form.

Existing plus Project Conditions

County data obtained during August of 2011 and 2014 were reviewed to determine hourly volumes for Dry Creek Road. Both counts were performed in August, which tends to be one of the highest-volume months of the year, and had very similar average volumes during the p.m. peak hour. These counts indicate about Dry Creek Road carries about 315 vehicles during the peak hour, with 125 northbound and 190 southbound, and operates at LOS A during the p.m. peak hour. The project is expected to generate a maximum of 46 trips during any hour. With these trips added to the existing peak hour volumes, Dry Creek Road would be expected to operate at LOS B. The project's impact is therefore less than significant. It is further noted that the peak trip generation of 46 trips would be unlikely to occur during the peak hour.

Traffic counts for Saturday and Sunday were also reviewed, and it was determined that, while the peak hour on a Saturday occurs during the middle of the day, the volumes are very similar to those during the weekday evening peak hour. Volumes during the Sunday peak hour, which was also during the middle of the day, were lower than those on either a Saturday or during the evening peak hour. The analysis using peak hour volumes therefore adequately captures operation on a weekend as well.

Consideration was given to the potential for multiple events to occur simultaneously. While it is more likely that events will have somewhat staggered start and end times, even if five such events occurred in the same area and all started or ended during the same hour, adding 250 vehicles per direction on Dry Creek Road, operation would still be expected to remain at an acceptable LOS C. Based on this analysis, there does not appear to be basis for the concern expressed that multiple, simultaneous events will create unacceptable congestion.

One concern expressed regarding the project is that traffic control officers should be mandatory for special events. The analysis performed indicates that there is no need for such a requirement, as traffic operations would continue to be acceptable with the addition of project-generated trips.

Finding: Due to the minimal number of peak hour trips that the project is expected to generate, traffic operation is expected to be essentially unchanged upon adding project-generated trips. Further, there is sufficient capacity to accommodate trips associated with special events, even if multiple events occurred simultaneously. The project would therefore have a less-than-significant impact on traffic operation.

Alternative Modes

While the rural nature of Dry Creek Road makes it unlikely that there will be any substantial volume of pedestrian traffic, Dry Creek Road is a popular route for bicycle travel. This is due, at least in part, to the presence of wide shoulders in the easterly part of the route that provide cyclists with a place to ride that is outside the vehicle travel lane. Within the project area Dry Creek Road is designated as a future Class II bike route in the *Sonoma County Bicycle and Pedestrian Plan*. The project does not propose to make any changes to the roadway that would impede bicycle travel, and merely adding trips to the roadway does not, in and of itself, represent any specific impact on bicycle travel. However, to provide for the planned future bike lanes, the project should ensure that adequate right-of-way is available along the project's frontage so that at such time as the County undertakes a project to construct the bike lanes they will have adequate width to build the lane.

Finding: The project will have no direct impact on adequacy of facilities for bicyclists, but should provide for planned future improvements as appropriate.

Recommendation: The project should dedicate right-of-way as necessary to accommodate a 6-foot shoulder on Dry Creek Road along the project site's roadway frontage.

Site Access

The site would be accessed by a single, existing driveway on Dry Creek Road.

Sight Distance

At unsignalized driveways a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either turn left or turn right, without requiring the through traffic to radically alter their speed.

Sight distance along Dry Creek Road from the proposed driveway was evaluated based on sight distance criteria contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines include recommended sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches and for drivers of stopped vehicles at the minor street approaches and driveways. These recommendations are based upon approach travel speeds, and take into account which direction a vehicle would turn onto the major approach, with greater sight distance needed for the more time-consuming task of turning left as compared to turning right.

A field visit of the project site and study area was conducted. Sight distance was measured from a 3.5-foot height at the location of the driver 15 feet back from the edgeline on the minor road to a 4.25-foot object height in the center of the approaching lane of the major road. During the course of the field review a short speed survey was performed that indicates that the 85th percentile speed of drivers approaching the driveway was 53 mph. A design speed of 55 mph was therefore used to capture the actual speed at which drivers are traveling. Based on a 55-mph design speed, AASHTO recommends the sight distances indicated in Table 2 for the associated movements.

Table 2
Sight Distance Evaluation

Type of Sight Distance	Minimum (feet)	Available (feet)
Outbound Right Turn	530	800-plus
Outbound Left Turn	610	665
Following Inbound Left Turn	495	535

As shown in Table 2, the available sight lines for both inbound and outbound movements exceed the minimums recommended for the 55-mph design speed applied. It was noted during the sight visit that there is vegetation that restricts sight lines in both directions (ground-level branches on a tree to the northwest and a bush on the inside of the curve to the southeast). Trimming of this vegetation would increase sight lines and ensure adequate visibility when drivers are substantially exceeding the 50-mph speed limit.

A concern has been expressed by one of the neighbors of the project site that sight distance standards ignore the fact that drivers' reaction times will be impaired as the whole point of special events is to drink wine. However, it is noted that wineries are responsible for monitoring the consumption of alcohol on their premises and law enforcement officials are responsible for the enforcement of driver behavior. Engineering studies are based on the typical conditions of the land use, roadways and motorists. Based on observations of wine tasting events in Dry Creek Valley it has been noted that many attendees have a designated driver. Further, events generally provide only wine tasting, or a small amount of various kinds

of wine, resulting in the consumption of one to two glasses of wine total. Also, such events pair the wine with food, diluting the impact of the alcohol.

The placement of signs or landscaping near a driveway can impede upon the availability of clear sight lines. Therefore, it is recommended that any elements placed near the project driveways either be low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained.

Recommendations: Vegetation along Dry Creek Road that limits sight lines should be trimmed if permission can be obtained from the appropriate property owners. Landscaping and vegetation along the frontage should be kept out of sight lines or have a height of less than three feet or be above seven feet for tree canopies.

Left-Turn Lane Warrants

The need for left-turn channelization in the form of a left-turn pocket on Dry Creek Road was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans *Highway Design Manual*.

For this analysis it was conservatively assumed that all project related traffic would access the site via northbound left turns, as this condition represents the greatest potential need for a left-turn pocket. Although special events would not typically start during a peak hour, to evaluate worst case conditions, inbound trips to a maximum-sized event were used along with volumes during the peak hour. Even using this conservative approach a left-turn lane is not warranted.

A sensitivity analysis was conducted to determine at what point a left-turn lane would be warranted. Based on weekend midday peak hour volumes, there would need to be about 203 vehicles turning left from Dry Creek Road to the proposed project during a single hour before a left-turn pocket would be warranted.

Based on the evaluation performed as well as the lack of left-turn pockets for the majority of wineries on Dry Creek Road, as well as at the interchange with US 101, a left-turn pocket is not recommended. A copy of the Left-Turn Lane Warrant spreadsheet is provided in Appendix D.

Parking

As proposed, the project site would have 22 marked parking spaces available for use by employees and visitors, two of which would be designated for handicap access. During typical daily operation up to six employees would be on-site simultaneously and there would be up to eight vehicles associated with wine tasting visitors. The proposed supply is more than adequate to meet the demand on a typical day.

During events having 100 attendees, parking would be needed for 46 vehicles (40 for attendees and six for staff). It is understood that parking for the additional 24 vehicles would take place along the driveway or between rows of vines.

While participation in larger industry-wide events would result in a higher attendance overall, such events are spread over many hours, with attendees spending an hour or less at each winery. The parking needed for such an event is therefore less than that for a 100-person event where all attendees are on-site simultaneously.

Finding: the parking as proposed, including use of vineyard rows for overflow parking during an event, is expected to be adequate to serve all site uses.

Conclusions and Recommendations

Conclusions

- Dry Creek Road is currently operating at LOS A during the evening peak hour, and is expected to operate at LOS B with project trips added.
- The proposed winery is expected to generate an average of 50 new daily trips and a maximum of 46 hourly trips during a special event.
- An additional 250 trips per hour could be added along this section of Dry Creek Road while maintaining acceptable LOS C operation during either the weekday p.m. peak hour or the weekend midday peak hour. The project added trips, as well as those from multiple simultaneous special events, would therefore have a less-than-significant impact.
- Sight distance at the location of the existing driveway is acceptable in both directions as well as for vehicles traveling on Dry Creek Road.
- A left-turn pocket is not warranted on Dry Creek Road at the existing access driveway with the addition of the project, even under conservative assumptions.
- Parking as proposed is expected to be adequate to serve all proposed site uses.

Recommendations

- Any landscaping or signs placed near the project driveway should be either low-lying or set back from Dry Creek Road so that the availability of clear sight lines is maintained.
- Right-of-way along the project site's frontage on Dry Creek Road should be dedicated as necessary to provide adequate width for the planned future bike lane.

Study Participants and References

Study Participants

Principal in Charge: Dalene J. Whitlock, PE, PTOE
Technician/Graphics: Deborah J. Mizell
Report Preparation: Allison Jaromin
Editing/Formatting: Angela McCoy

References

2010 Sonoma County Bicycle and Pedestrian Plan, County of Sonoma, 2010
Highway Design Manual, 6th Edition, California Department of Transportation, 2012
Intersection Channelization Design Guide, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985
A Policy on Geometric Design of Highways and Streets, 6th Edition, American Association of State Highway and Transportation Officials, 2011
Sonoma County General Plan 2020 – Circulation and Transit Element, County of Sonoma, 2010
Sonoma County, California Municipal Code, Municipal Code Corporation, 2014
Statewide Integrated Traffic Records System (SWITRS), California Highway Patrol, 2008-2013

SOX249



Appendix A

Intersection Level of Service Calculations

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
 Agency/Co. County of Sonoma
 Date Performed 12/5/2014
 Analysis Time Period Existing
 Highway Dry Creek Road
 From/To northwest of Healdsburg
 Jurisdiction County of Sonoma
 Analysis Year 2014
 Description Hale Vineyard Winery

Input Data

Highway class	Class 2	Peak hour factor, PHF	0.88	
Shoulder width	6.0 ft	% Trucks and buses	6	%
Lane width	12.0 ft	% Trucks crawling	0.0	%
Segment length	2.0 mi	Truck crawl speed	0.0	mi/hr
Terrain type	Specific Grade	% Recreational vehicles	4	%
Grade: Length	0.25 mi	% No-passing zones	80	%
Up/down	3.0 %	Access point density	15	/mi

Analysis direction volume, Vd 125 veh/h
 Opposing direction volume, Vo 195 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	2.5	1.5
PCE for RVs, ER	1.1	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.913	0.971
Grade adj. factor, (note-1) fg	0.81	1.00
Directional flow rate, (note-2) vi	192 pc/h	228 pc/h

Free-Flow Speed from Field Measurement:
 Field measured speed, (note-3) S FM - mi/h
 Observed total demand, (note-3) V - veh/h
 Estimated Free-Flow Speed:
 Base free-flow speed, (note-3) BFFS 60.0 mi/h
 Adj. for lane and shoulder width, (note-3) fLS 0.0 mi/h
 Adj. for access point density, (note-3) fA 3.8 mi/h
 Free-flow speed, FFSd 56.3 mi/h
 Adjustment for no-passing zones, fnp 3.8 mi/h
 Average travel speed, ATSD 49.2 mi/h
 Percent Free Flow Speed, PFFS 87.5 %

Percent Time-Spent-Following

Direction	Analysis (d)	Opposing (o)	
PCE for trucks, ET	1.0	1.1	
PCE for RVs, ER	1.0	1.0	
Heavy-vehicle adjustment factor, fHV	1.000	0.994	
Grade adjustment factor, (note-1) fg	1.00	1.00	
Directional flow rate, (note-2) vi	143 pc/h	223 pc/h	
Base percent time-spent-following, (note-4) BPTSFD	16.6 %		
Adjustment for no-passing zones, fnp	53.9		
Percent time-spent-following, PTSFd	37.7 %		

Level of Service and Other Performance Measures

Level of service, LOS	A	
Volume to capacity ratio, v/c	0.08	
Peak 15-min vehicle-miles of travel, VMT15	71	veh-mi
Peak-hour vehicle-miles of travel, VMT60	250	veh-mi
Peak 15-min total travel time, TT15	1.4	veh-h
Capacity from ATS, CdATS	1329	veh/h
Capacity from PTSF, CdPTSF	1675	veh/h
Directional Capacity	1675	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	49.2	mi/h
Percent time-spent-following, PTSFd (from above)	37.7	
Level of service, LOSd (from above)	A	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSpl	-	
Percent free flow speed including passing lane, PFFSpl	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
 Agency/Co. County of Sonoma
 Date Performed 12/5/2014
 Analysis Time Period Existing plus Project
 Highway Dry Creek Road
 From/To northwest of Healdsburg
 Jurisdiction County of Sonoma
 Analysis Year 2014
 Description Hale Vineyard Winery

Input Data

Highway class	Class 2	Peak hour factor, PHF	0.88
Shoulder width	6.0 ft	% Trucks and buses	6 %
Lane width	12.0 ft	% Trucks crawling	0.0 %
Segment length	2.0 mi	Truck crawl speed	0.0 mi/hr
Terrain type	Specific Grade	% Recreational vehicles	4 %
Grade: Length	0.25 mi	% No-passing zones	80 %
Up/down	3.0 %	Access point density	15 /mi

Analysis direction volume, Vd 171 veh/h
 Opposing direction volume, Vo 195 veh/h

Average Travel Speed

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	2.4	1.5
PCE for RVs, ER	1.1	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.919	0.971
Grade adj. factor, (note-1) fg	0.84	1.00
Directional flow rate, (note-2) vi	252 pc/h	228 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM	-	mi/h
Observed total demand, (note-3) V	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, (note-3) BFFS	60.0	mi/h
Adj. for lane and shoulder width, (note-3) fLS	0.0	mi/h
Adj. for access point density, (note-3) fA	3.8	mi/h
Free-flow speed, FFSd	56.3	mi/h
Adjustment for no-passing zones, fnp	3.8	mi/h
Average travel speed, ATSD	48.8	mi/h
Percent Free Flow Speed, PFFS	86.7	%

Percent Time-Spent-Following

Direction	Analysis (d)	Opposing (o)	
PCE for trucks, ET	1.0	1.1	
PCE for RVs, ER	1.0	1.0	
Heavy-vehicle adjustment factor, fHV	1.000	0.994	
Grade adjustment factor, (note-1) fg	0.99	1.00	
Directional flow rate, (note-2) vi	196 pc/h	223 pc/h	
Base percent time-spent-following, (note-4) BPTSFD	21.9	%	
Adjustment for no-passing zones, fnp	60.3		
Percent time-spent-following, PTSFD	50.1	%	

Level of Service and Other Performance Measures

Level of service, LOS	B	
Volume to capacity ratio, v/c	0.12	
Peak 15-min vehicle-miles of travel, VMT15	97	veh-mi
Peak-hour vehicle-miles of travel, VMT60	342	veh-mi
Peak 15-min total travel time, TT15	2.0	veh-h
Capacity from ATS, CdATS	1329	veh/h
Capacity from PTSE, CdPTSE	1675	veh/h
Directional Capacity	1675	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	48.8	mi/h
Percent time-spent-following, PTSFD (from above)	50.1	
Level of service, LOSd (from above)	B	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSpl	-	
Percent free flow speed including passing lane, PFFSpl	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
 Agency/Co. County of Sonoma
 Date Performed 12/5/2014
 Analysis Time Period Existing plus Multiple Events
 Highway Dry Creek Road
 From/To northwest of Healdsburg
 Jurisdiction County of Sonoma
 Analysis Year 2014
 Description Hale Vineyard Winery

Input Data

Highway class	Class 2		Peak hour factor, PHF	0.88	
Shoulder width	6.0	ft	% Trucks and buses	6	%
Lane width	12.0	ft	% Trucks crawling	0.0	%
Segment length	2.0	mi	Truck crawl speed	0.0	mi/hr
Terrain type	Level		% Recreational vehicles	4	%
Grade: Length	-	mi	% No-passing zones	80	%
Up/down	-	%	Access point density	15	/mi

Analysis direction volume, Vd 375 veh/h
 Opposing direction volume, Vo 445 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	1.3	1.2
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.982	0.988
Grade adj. factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	434 pc/h	512 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM	-	mi/h
Observed total demand, (note-3) V	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, (note-3) BFES	60.0	mi/h
Adj. for lane and shoulder width, (note-3) fLS	0.0	mi/h
Adj. for access point density, (note-3) fA	3.8	mi/h
Free-flow speed, FFSd	56.3	mi/h
Adjustment for no-passing zones, fnp	2.2	mi/h
Average travel speed, ATSD	46.7	mi/h
Percent Free Flow Speed, PFFS	83.0	%

Percent Time-Spent-Following

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.0	1.0
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	1.000
Grade adjustment factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	426 pc/h	506 pc/h
Base percent time-spent-following, (note-4) BPTSFD	46.8 %	
Adjustment for no-passing zones, fnp	39.2	
Percent time-spent-following, PTSFD	64.7 %	

Level of Service and Other Performance Measures

Level of service, LOS	C	
Volume to capacity ratio, v/c	0.25	
Peak 15-min vehicle-miles of travel, VMT15	213	veh-mi
Peak-hour vehicle-miles of travel, VMT60	750	veh-mi
Peak 15-min total travel time, TT15	4.6	veh-h
Capacity from ATS, CdATS	1680	veh/h
Capacity from PTSF, CdPTSF	1700	veh/h
Directional Capacity	1700	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	46.7	mi/h
Percent time-spent-following, PTSFD (from above)	64.7	
Level of service, LOSd (from above)	C	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSp1	-	
Percent free flow speed including passing lane, PFFSp1	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	A	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

Appendix B

Collision Rate Calculations

SEGMENT COLLISION RATE CALCULATIONS

Hale Vineyard Winery

Location: 4304 Dry Creek Road

Date of Count: Saturday, January 00, 1900
ADT: 3,100

Number of Collisions: 7
Number of Injuries: 3
Number of Fatalities: 0
Start Date: July 1, 2008
End Date: June 30, 2013
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: ≤55
Terrain: Flat

Segment Length: 1.0 miles
Direction: North/South

$$\frac{\text{Number of Collisions} \times 1 \text{ Million}}{\text{ADT} \times 365 \text{ Days per Year} \times \text{Segment Length} \times \text{Number of Years}}$$

$$\frac{7 \times 1,000,000}{3,100 \times 365 \times 1 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.24 c/mvm	0.0%	42.9%
Statewide Average*	0.93 c/mvm	2.4%	40.1%

ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2010 Collision Data on California State Highways, Caltrans

Appendix C

Winery Trip Generation and Special Event Schedules

Winery Trip Generation

Winery: **Hale Winery**
 Location: **4304 Dry Creek Road, Healdsburg, CA**
 Annual Full Production (cases): **25,000 cases**

WINERY OPERATIONS

WINERY Operations - Employee traffic using passenger vehicles, in average ADT

Item Description	Employees		Trips			
	Existing	Proposed	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production (use 3 ADT / employee)	n/a	1	n/a	3	6	3
Cellar / Storage (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Administrative (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Sales (use 3 ADT / employee)	n/a	1	n/a	3	0	3
Bottling (use 3 ADT / employee)	n/a	1	n/a	3	3	3
Other staff (describe):	n/a	0	n/a	0	0	0
Totals	0	5	0	15	12	15

WINERY Operations - Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 12 Dates of Activity: 8/15 to 10/15	n/a	0.07
Juice Importation Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Juice Exportation Truck loads per year: 0 Dates of Activity: - to -	n/a	0
Pomace Disposal Truck loads per year: 0 Dates of Activity: - to - Disposed: on site	n/a	0
Bottle Delivery Truck loads per year: 13 Dates of Activity: Aug to Feb	n/a	0.10
Barrel Delivery Truck loads per year: 2 Dates of Activity: 9/1 to 9/30	n/a	0.02
Finished Wine Transportation to storage/sales Truck loads per year: 25 Dates of Activity: 1/1 to 12/31	n/a	0.19
Less Backhauls Truck loads per year: 0 Dates of Activity: 1/1 to 12/31	n/a	0
Miscellaneous trips Truck loads per year: 47 Dates of Activity: 1/1 to 12/31	n/a	1.36
Totals	0.00	1.73

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round (use 3 ADT / employee)	n/a	0	n/a	0
Vineyard Maintenance: Peak Season (use 3 ADT / employee)	n/a	0	n/a	0
Totals	n/a	0	0	0

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors (divide by 2.5 people per vehicle to arrive at ADT)	n/a	38	n/a	30
Tasting Room Employees (use 3 ADT / employee)	n/a	1	n/a	3
Other	n/a		n/a	
Totals	n/a	39	0	33

Months of Operation (attach an explanation of how the operation varies seasonally)	n/a	Year Round
Days of Operation (e.g., 7 days a week; weekends only; etc)	n/a	7 days a week
Hours of Operation - Non-Harvest Season	n/a	8am to 5pm
Hours of Operation - Harvest Season	n/a	8am to 8pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic (please transfer data from attached form)	n/a	8
Other (2 existing mobile homes and wine storage building)	n/a	
Totals	0	8

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Employee Traffic associated with winery operations	n/a	15
Truck Traffic associated with winery operations	n/a	2
Employee Traffic associated with vineyard operations	n/a	0
Tasting Room Traffic (employees and visitors)	n/a	33
Event Traffic (employee and visitors)	n/a	8
Miscellaneous other traffic generators	n/a	0
Totals	0	58

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Totals	53	40	67	41	53	64	57	67	64	82	59	33

EVENT SCHEDULE

Name of Facility: Hale Winery
 Type of event shown on this sheet: Weddings

PRMD File Number: PLP05-0062

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays												
Saturdays						1	1					
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event						100						100
# employees / event						6						6
# guest vehicles / event						40						40
# employees / vehicles						1						1

For Sunday events	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Agricultural Promotional Events

Estimated total number of events of this type on ▼	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon - Thurs)												
Fridays												
Saturdays	1	1	1	1	1	1	1	1	1	1	1	1
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events												Arrival	Departure	
# guests / event													80	80
# employees / event													5	5
# guest vehicles / event													32	32
# employees / vehicles													1	1

For Saturday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Name of Facility: Hale Winery

PRMD File Number: PLP05-0062

Type of event shown on this sheet: Charitable Benefits

Estimated total number of events of this type on	January	February	March	April	May	June	July	August	September	October	November	December
Weekdays (Mon – Thurs)												
Fridays										1	1	
Saturdays												
Sundays												

Estimated activity for typical (max?) event	? to 10 a.m.	10 to 11 a.m.	11 to 12 a.m.	12 to 1 p.m.	1 to 2 p.m.	2 to 3 p.m.	3 to 4 p.m.	4 to 5 p.m.	5 to 6 p.m.	6 to 7 p.m.	7 to 8 p.m.	8 p.m. to ?

For weekday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Saturday events	January	February	March	April	May	June	July	August	September	October	November	December	Arrival	Departure
# guests / event													80	80
# employees / event													5	5
# guest vehicles / event													32	32
# employees / vehicles													1	1

For Sunday events	January	February	March	April	May	June	July	August	September	October	November	December
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

Appendix D

Turn Lane Warrants

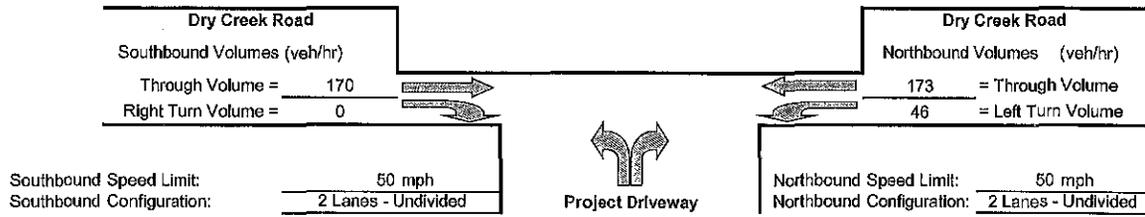
Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Dry Creek Road

Study Scenario: Existing + Project (Weekend Midday Peak for project, PM Peak for roadway)

Direction of Analysis Street: North/South

Cross Street Intersects: From the West



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

NOT WARRANTED - Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = -
 Advancing Volume Va = 170
 If $AV < Va$ then warrant is met -

Right Turn Lane Warranted: NO

Southbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume Va = 170
 If $AV < Va$ then warrant is met -

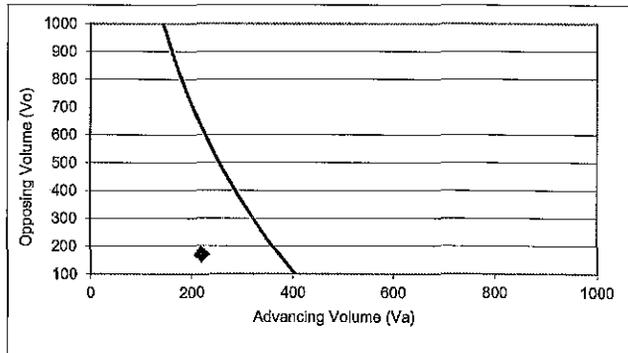
Right Turn Taper Warranted: NO

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt 21.0 %

Advancing Volume Threshold AV 373 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection

Two lane roadway warrant threshold for: 50 mph

Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.

The right turn lane and taper analysis is based on work conducted by Coltrell in 1981.

The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

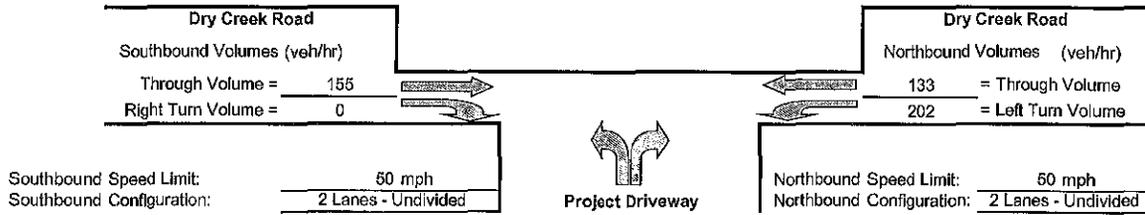
Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Dry Creek Road

Study Scenario: Existing + Project (Weekend Midday Peak) - Sensitivity Analysis

Direction of Analysis Street: North/South

Cross Street Intersects: From the West



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

NOT WARRANTED - Less than 40 vehicles

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = -
 Advancing Volume Va = 155
 If $AV < Va$ then warrant is met -

Right Turn Lane Warranted: NO

Southbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume Va = 155
 If $AV < Va$ then warrant is met -

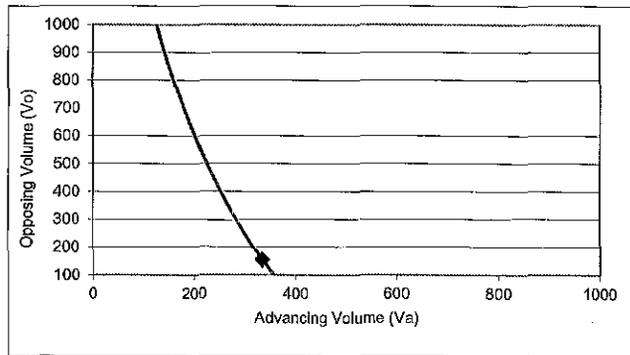
Right Turn Taper Warranted: NO

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt 60.3 %

Advancing Volume Threshold AV 336 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection

Two lane roadway warrant threshold for: 50 mph

Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.

The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.

The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakraborty in 1991.

Memo

Date: February 5, 2015
To: Traci Tesconi, Planner III
Sonoma County Permit and Resource Management Department
From: Michael Thill, Principal Consultant
Illingworth & Rodkin, Inc.
Subject: Hales Winery, Sonoma County, CA (PLP05-0062) –

This memo has been prepared at your request to address any new or substantially different noise impacts resulting from the slight shift in location of the front parking area at the Hales Winery site. Based on our review of the site plan dated February, 4, 2015, we understand that the front parking area has been shifted slightly southward, to a position approximately 140 to 150 feet from the residential property lines that border the site to the north and south, respectively.

The slight shift in the location of the front parking lot away from the residential receptor to the north would be expected to result in noise levels below those predicted in our original noise assessment because of the additional distance separating the noise source from the residential property line. Parking lot noise levels would be expected to increase by about 4 dBA above the noise levels predicted in our original noise assessment and range from 38 to 48 dBA at a distance of 150 feet. However, predicted parking lot noise levels would continue to remain below the daytime (60 dBA) and nighttime (55 dBA) noise level limits at the nearest residential property line to the south. No new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval would be required.

We trust that this information meets your needs. If you have any questions or needs for additional information, please do not hesitate to contact us.

(06-068)

Memo

Date: March 13, 2015
To: Traci Tesconi, Planner III
Sonoma County Permit and Resource Management Department
From: Michael Thill, Principal Consultant
Illingworth & Rodkin, Inc.
Subject: Hales Winery, Sonoma County, CA (PLP05-0062) --

This memo has been prepared at your request to address concerns regarding the slight changes to the Sonoma County General Plan Table NE-2 noise limits since 2006 and to address any new or substantially different noise impacts resulting from the proposed Hales Winery project.

Regulatory Criteria

The Sonoma County General Plan 2020 Noise Element, adopted September 23 2008, sets forth policies to protect people from exposure to excessive noise. A site exposed to a noise level exceeding 60 dBA L_{dn} is considered "noise impacted". If the source of noise affecting a residential area is an adjacent property, rather than a transportation source, then the noise limits set forth in Table NE-2 of the General Plan, shown in Table 1, determines if a property is "noise impacted". Policy NE-1c provides the methodology to adjust the noise limits where applicable:

Policy NE-1c: Control non-transportation related noise from new projects. The total noise level resulting from new sources shall not exceed the standards in Table NE-2 (Table 3) of the recommended revised policies as measured at the exterior property line of any adjacent noise sensitive land use. Limit exceptions to the following:

- (1) If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.
- (2) Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.
- (3) Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.
- (4) For short-term noise sources, which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.

(5) Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of at the exterior property line of the adjacent noise sensitive use where:

(a) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and

(b) There is available open land on these noise sensitive lands for noise attenuation. This exception may not be used for vacant properties, which are zoned to allow noise sensitive uses.

TABLE 1: Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources (Table NE-2)

Hourly Noise Metric ¹	Maximum Exterior Noise Level Standards, dBA	
	Daytime	Nighttime
	7 AM to 10 PM	10 PM to 7 AM
L ₅₀ (30 Minutes)	50	45
L ₂₅ (15 Minutes)	55	50
L ₀₈ (5 Minutes)	60	55
L ₀₂ (1 Minute)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

The base noise limits for L₅₀, L₂₅, L₀₈, and L₀₂ have remained unchanged since 2006. The primary difference between the current noise limits as compared to the limits used in the 2006 noise analysis is due to the adjustment process. In 2006, the applicable standards in Table NE-2 were reduced by 5 dBA if the standards exceeded the ambient noise level by 10 or more decibels. The current protocol is to reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels. This results in a very subtle difference between the current assessment's methodology versus the 2006 assessment's methodology. However, the changes made to the noise thresholds do not result in new or substantially different noise impacts at nearby receptors.

Parking Lot Noise

Based on our review of the floor plan-landscape plan dated March 2, 2015, we understand that the expanded parking areas are located as close as 50 feet from the residential property line to the south and 95 feet from the residential property line to the north. Based on the noise data collected at the site, ambient daytime noise levels are 60 dBA L₀₈ at the nearest receptor to the north (Residence 1) and 66 dBA L₀₈ at the nearest receptor to the south (Residence 2). Table 2 summarizes the assessment of parking lot noise resulting from the project.

TABLE 2: Parking Lot L₀₈ Noise Levels

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₀₈ , dBA (Noise Level Exceeded 5 Minutes or more in any Hour)	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	60	60
Daytime Ambient Noise Levels	60	66
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+5
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	60	65
L₀₈ Noise Levels	Residence 1	Residence 2
Parking Lot	44 to 54	50 to 60
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	60	65
Parking Lot Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	60	65
Parking Lot Noises Exceeds Adjusted NE-2?	No	No

Noise sources such as engine starts and door slams would generate noise levels that would range from about 50 to 60 dBA at a distance of 50 feet. The predicted noise levels from these same sources would range from 44 to 54 dBA at a distance of 95 feet. Parking lot noise levels would be less than the adjusted daytime NE-2 noise level limit for sounds occurring between 5 minutes and 15 minutes in any one-hour period (L₀₈ noise limit). No new or substantially different noise impacts would be expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of approval would be required.

Seasonal Production Related Noise

The 2006 Environmental Noise Assessment identified noise impacts due to seasonal production related noise (crushing and bottling activities). Based on our current review, we understand that the crushing bottling areas are located as close as 220 feet from the residential property line to the south and 300 feet from the residential property line to the north. Based on the noise data collected at the site, ambient daytime noise levels are 46 dBA L₅₀ at the nearest receptor to the north (Residence 1) and 52 dBA L₅₀ at the nearest receptor to the south (Residence 2).

Based on data gathered by Illingworth & Rodkin, Inc., noise levels generated during harvest are approximately 63 dBA L₅₀ at 50 feet assuming unshielded conditions. At the property line nearest the receiver to the north (Residence 1 – 300 feet), exterior noise levels generated during crush would be about 47 dBA L₅₀. At the property line nearest the receiver to the south (Residence 2 – 220 feet), exterior noise levels would be about 50 dBA L₅₀. Crushing noise levels would be equal to or less than the adjusted daytime NE-2 noise level limit for sounds occurring 30 minutes or more in any one-hour period (L₅₀ noise limit).

Bottling would occur inside a mobile bottling truck located at the crush loading area during daytime hours only. Noise levels at the rear of bottling trucks are approximately 67 dBA L₅₀ at 50 feet assuming unshielded conditions. At the property line nearest the receiver to the north, exterior noise levels generated during bottling would be steady at about 51 dBA L₅₀. At the property line nearest the receiver to the south, exterior noise levels would be about 54 dBA L₅₀. Bottling noise levels would exceed the adjusted daytime NE-2 noise level limit for sounds occurring 30 minutes or more in any one-hour period (L₅₀ noise limit) by 1 to 2 dBA. Table 3 summarizes the assessment of seasonal production related noise resulting from the project.

TABLE 3: Seasonal Production L₅₀ Noise Levels

NE-2 Limits, Ambient Noise Levels, and Adjustments	L ₅₀ , dBA (Noise Level Exceeded 30 Minutes or more in any Hour)	
	Residence 1	Residence 2
Unadjusted Table NE-2 Daytime Limit	50	50
Daytime Ambient Noise Levels	46	52
Daytime Ambient Exceeds NE-2 Limit?	No	Yes
Daytime NE-2 Ambient Adjustment	+0	+2
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	50	52
L ₅₀ Noise Levels	Residence 1	Residence 2
Crushing	47	50
Bottling	51	54
Adjusted NE-2 Limits and Compliance	Residence 1	Residence 2
Table NE-2 Daytime Limit Adjusted for Ambient Conditions	50	52
Seasonal Production Noises Exceed Ambient by 10 dBA?	No	No
NE-2 Adjustment	+0	+0
Adjusted Table NE-2 Daytime Limit	50	52
Crushing Noise Exceeds Adjusted NE-2?	No	No
Bottling Noise Exceeds Adjusted NE-2?	Yes (+1 dBA)	Yes (+2 dBA)

Seasonal Production Related Noise Mitigation

Draft Condition 44 states, "For winery operations nighttime truck deliveries are not allowed between 10 PM and 7 AM. The mobile bottling truck shall be parked behind the winery building with the rear of the bottling truck oriented to the west away from sensitive receptors (neighboring residences). Outdoor crush or bottling activities shall only occur during the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 AM to 10:00 PM). During bottling activity, the rear of the bottling truck shall be oriented to the west, away from the nearest residence to the east. Trucks for winery operations shall only use the south driveway. No winery truck traffic is allowed on site with trailers or semi-trailers with kingpin to rear axle lengths exceeding 38 feet."

The implementation of Draft Condition 44 would reduce bottling noise levels below the NE-2 thresholds at Residence 1 and Residence 2. As a result, no new or substantially different noise impacts are expected at receptors to the north or south, and no changes to the existing mitigation measures or conditions of

Traci Tesconi
March 13, 2015
Page 5

approval are required for the project to comply with the noise standards established in the Sonoma County General Plan 2020 Noise Element.



We trust that this information meets your needs. If you have any questions or needs for additional information, please do not hesitate to contact us.

(06-068)



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number: 49
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: October 23, 2018

Vote Requirement: Majority

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number:

Jane Riley 565-7388

Supervisorial District(s):

1 and 4

Title: Amendments to Sonoma County Code Chapter 40 to Temporarily Prevent Establishment of New Vacation Rentals Within the Sonoma Complex Fire Perimeter

Recommended Actions:

1. Find that adoption of the proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), and
2. Adopt the proposed ordinance.

Executive Summary:

Reports from members of the public and anecdotal experience indicate that some now vacant lots within the perimeter of the Sonoma Complex Fires (burn area) are being purchased by investors for the purpose of developing vacation rental properties rather than homes for long-term residents. Earlier this year, the Board requested that Permit Sonoma staff work on a solution to address both the short-term issue of land speculation and the longer term issue of the loss of residential properties to visitor-serving uses.

Staff proposes an amendment to Chapter 40 of the Sonoma County Code (Sonoma Complex Fire Disaster Recovery) to temporarily prevent the establishment and operation of new vacation rentals within the burn area. The proposed temporary measure would expire on December 31, 2019, unless extended by your Board. As part of the Comprehensive Planning Work Plan, the Board may direct staff to initiate the process to consider adding the burn area parcels, or an identified subset thereof, to the X Vacation Rental Exclusion Combining Zone. The Board may provide direction on this matter during their review of the Work Plan on 11 December.

Hosted rentals, as defined in the zoning ordinance, would continue to be allowed in the burn area. Property owners that hold valid permits to operate vacation rentals may continue operation after rebuilding, provided that: 1) the property is not within an X Combining Zone; 2) the property has not been sold or transferred; and 3) there is no increase in the number of guestrooms.

The Planning Commission considered the proposed ordinance in a public hearing on 30 August and adopted a resolution on a 4-0-1 vote recommending that the Board adopt the ordinance. The term “burn area” refers to land mapped by the California Department of Forestry and Fire Protection (CALFIRE) as the October 2017 Sonoma Complex Fire Perimeter, and consists of 5,138 parcels.

Discussion:

The October 2017 Sonoma County Complex Fires intensified an already challenging housing shortage, with an estimated loss of over 5,300 homes. The projected need for additional housing in Sonoma County is several times larger than the amount of new housing that has actually been built in recent years. Over the 5-year period from 2013 through 2017, the County averaged 716 permitted units per year. If this average level of construction is maintained through 2020, the County will see about 3,750 new units during a time when 8,000 new units are needed just to accommodate employment growth (*Sonoma County Complex Fires: Housing and Fiscal Impact Report*, Beacon Economics, February 2018).

One area of concern not factored into the above projections is the conversion of homes to vacation rentals. Recent American Community Survey (ACS) data show that at least 4.3% of housing units in Sonoma County are vacation properties. To the extent that Sonoma County becomes increasingly attractive as a place of second homes and vacation rentals, estimates of total housing needs must account for this segment of the housing market (Beacon Economics, February 2018). Chapter 40 is a temporary enactment that will automatically expire on 31 December 2019 unless extended by the Board. Approval of today’s proposed amendment to Chapter 40 would ensure that rebuilding within the burn area is consistent with the housing policies of the General Plan while long-term options for the neighborhoods affected by the fires are being considered.

Existing Vacation Rental Permits within Burn Area. After the effective date of the proposed ordinance amending Chapter 40, no new vacation rental may be established or operated on a parcel within the burn area. However, existing vacation rentals which are fully permitted and current on Transient Occupancy Taxes (TOT) as of the effective date of the proposed ordinance would be allowed to continue until sale or transfer of the property, at which time the vacation rental permit automatically would expire. This allowance for existing uses includes those legal vacation rentals within the burn area that filed an exemption from transient taxes in the months after the fire in order to make homes available for families displaced by the fires.

As with existing practice, a vacation rental permit within the burn area could also be revoked for repeated violations of the vacation rental performance standards, as set forth in the Vacation Rental Ordinance (26-88-120), in which case it would not be able to resume as a vacation rental.

Hosted Rentals. Hosted rentals (rental of one guest room or guest house, with the owner remaining on site) would not be affected by the code change and would continue to be allowed within the burn area. Hosted rentals do not remove units from the housing stock, and can provide an important source of income to homeowners struggling with large mortgage payments.

Term of Restrictions. As proposed, the change to Chapter 40 prohibiting the establishment and operation of any new vacation rentals in the burn area would expire on December 31, 2019, along with

the rest of Chapter 40, unless extended by the Board. Prior to the expiration of these restrictions, the Board may direct staff to bring forth a rezoning proposal to consider application of the X (Vacation Rental Exclusion) Combining Zone to some or all of the parcels within the burn area. Comprehensive Planning would add such a request to the work plan. Full review and noticed hearings by the Planning Commission and Board of Supervisors would be required.

Please see Planning Commission Staff Report, attached, for additional analysis.

Prior Board Actions:

24 October 2017. The Board of Supervisors adopted an Urgency Ordinance (Ordinance No. 6209) to enact a 45-day moratorium on the issuance of any new vacation rental or hosted rental permits countywide to facilitate emergency housing for persons displaced by the Sonoma Complex Fire. The moratorium was subject to extension for periods of up to one year. The ordinance was intended to temporarily preserve the County’s existing single-family residences and accessory dwellings for permanent residential and long-term rental uses. The ordinance found that conversion of these dwellings to vacation rentals or hosted rentals would contribute to the existing housing emergency.

5 December 2017. The Board of Supervisors updated the Urgency Ordinance to extend the moratorium on vacation rental permit issuance to 60 days from the date of adoption, exclude permits for hosted rentals, and exclude permits in the Russian River Planning Area.

23 January 2018. The Board of Supervisors voted to not extend the moratorium on new vacation rental permit applications, but directed staff to develop a temporary vacation rental prohibition for the burn area only.

Strategic Plan Alignment Goal 1: Safe, Healthy, and Caring Community

Proposal would preserve housing stock for Sonoma County residents.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Not applicable			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Not applicable			
Attachments:			
Board of Supervisors draft Ordinance Amending Chapter 40 Attachment A: Map showing 2017 Sonoma Complex Fire Perimeter Attachment B: Planning Commission Resolution Attachment C: Planning Commission Staff Report dated 30 August 2018 Attachment D: Draft Planning Commission Minutes from 30 August 2018			
Related Items "On File" with the Clerk of the Board:			
None			

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 40 (SONOMA COMPLEX FIRE DISASTER RECOVERY) OF THE SONOMA COUNTY CODE TO PREVENT ESTABLISHMENT OF NEW VACATION RENTALS WITHIN THE SONOMA COMPLEX FIRES PERIMETER

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. The Board finds and declares that the adoption of this Ordinance is necessary to protect residential lands within the perimeter of the Sonoma Complex Fires from speculative development and conversion to visitor-serving uses. The Board makes the following additional findings in support of the adoption of this ordinance:

1. The proposed amendments to the Sonoma County Code are substantially consistent with the Sonoma County General Plan, including but not limited to the following Housing Element objective and policy:
 - a. Housing Element Objective HE1.5, which provides that the County should limit the loss of existing housing stock to visitor-serving uses. This ordinance would prevent conversion of existing housing stock and housing sites to vacation rentals within the perimeter of the Sonoma Complex Fire and during the effective period of Chapter 40.
 - b. Housing Element Policy HE-1j, which provides that the County should avoid the loss of residential land in urban land use designations for vacation or time-share uses. This ordinance would prevent the conversion of residential land in urban land use designations to vacation rentals, within the perimeter of the Sonoma Complex Fires and during the effective period of Chapter 40.
2. In light of the housing impacts of the Sonoma Complex Fire combined with the pre-existing housing crisis, there is a continuing and demonstrated need to prevent housing and lands zoned for housing from being converted to visitor-serving uses.

SECTION II. The Board of Supervisors hereby finds and determines that the proposal is exempt from further review under the California Environmental Quality Act (CEQA) under Section 15061 (b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that adoption of the proposal may have a significant impact on the environment.

SECTION III. Chapter 40 (Sonoma Complex Fire Disaster Recovery) of the Sonoma County Code is amended as follows:

A. Section 40-21 (Definitions) is amended to add the following definition in its alphabetical order:

“Burn Area” refers to all of that land contained within the California Department of Forestry and Fire Protection (CALFIRE) October 2017 Sonoma Complex Fire Perimeter.

B. New Section 40-47 is added, to read as follows:

Sec. 40-47. – Prohibition on the Establishment and Operation of New Vacation Rentals.

Notwithstanding any contrary provision of this code, the establishment or operation of any vacation rental not previously permitted and legally operating shall be prohibited

within the burn area. Properties on which a fully approved and permitted vacation rental was legally operating prior to the Sonoma Complex Fire may continue to operate upon reconstruction if property ownership has not changed and if the number of guestrooms within the vacation rental does not change. Hosted rentals, as defined in Chapter 26, may be established and operated upon granting of a hosted rental permit and registration for Transient Occupancy Taxes (TOT).

SECTION IV: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION V: This Ordinance shall be and the same is hereby declared to be in full force and effect from and after 30 days following the date of its passage and shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted on the 23rd day of October, 2018, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin:	Rabbitt:	Zane	Hopkins:	Gore:
Ayes:	Noes:	Absent:	Abstain:	

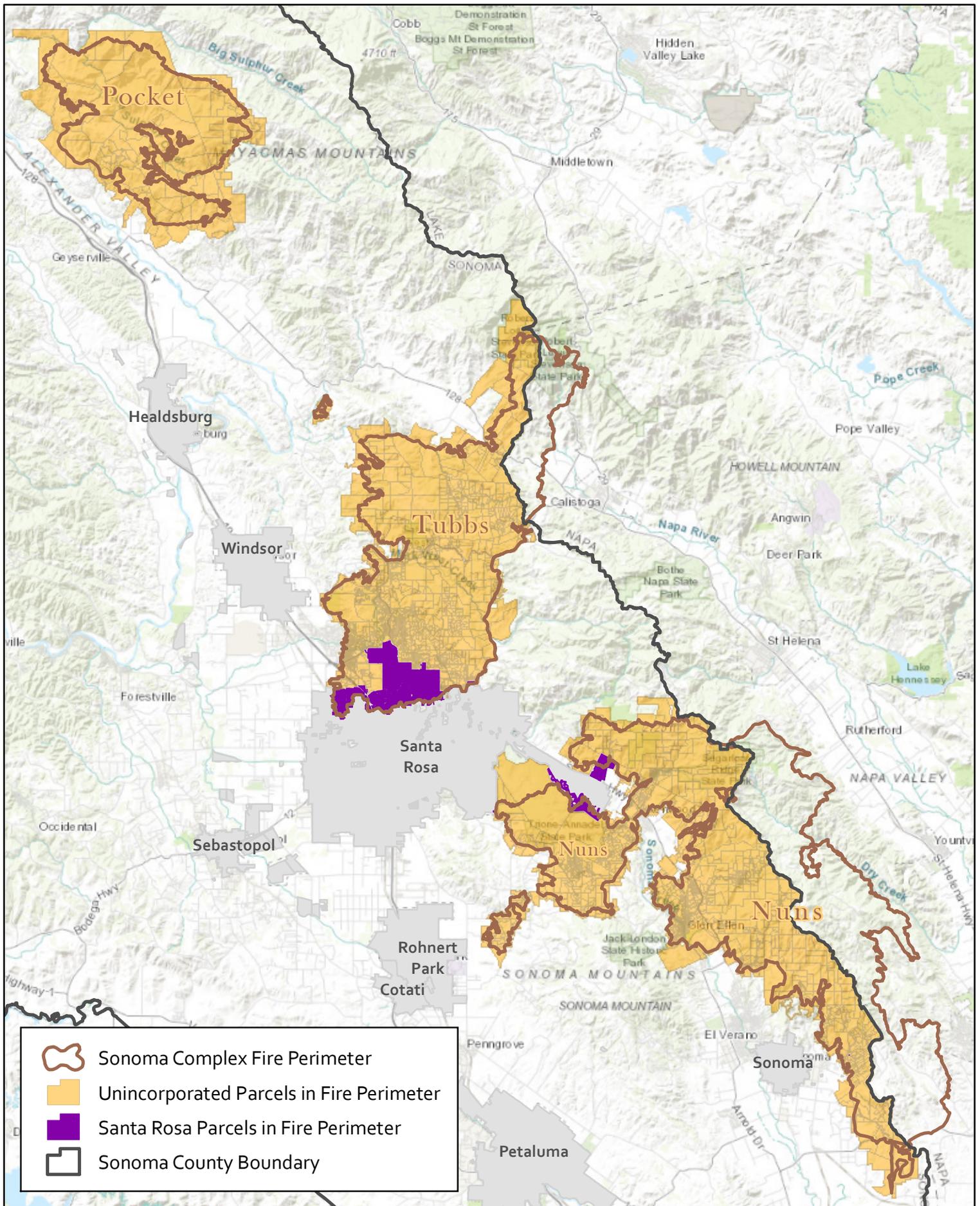
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

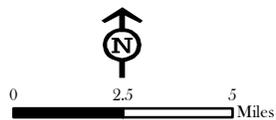
Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors



2017 Sonoma Complex Fire Perimeters



Resolution Number 18-015

County of Sonoma
Santa Rosa, California

August 30, 2018
ORD18-0007 Jane Riley

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN AMENDMENT TO CHAPTER 40 OF THE SONOMA COUNTY CODE TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF NEW VACATION RENTALS WITHIN THE BURN AREA

WHEREAS, on December 2, 2014, the Board of Supervisors adopted the 2014 Housing Element, which sets forth policies and programs intended to remove constraints and to promote the development of additional affordable housing and special needs housing within the County of Sonoma; and

WHEREAS, the Sonoma Complex fires destroyed 5,130 housing units countywide, with 2,100 housing units lost in the unincorporated county alone; and

WHEREAS, Sonoma County's rental vacancy rate is less than 2%, further exacerbating the difficulty of providing safe and secure housing that is affordable for lower-income families and for people who are homeless; and

WHEREAS, the Housing Element contains policies and programs to protect residential lands from conversion to visitor-serving uses; and

WHEREAS, adoption of the changes to the Zoning Ordinance are necessary ensure that parcels within the burn area are reserved for residential rebuilds; and

WHEREAS, in accordance with the provisions of law, a duly noticed public hearing was held on August 30, 2018 by the Planning Commission at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Planning Commission does make the following findings:

1. The proposed project is exempt from further review under the California Environmental Quality Act (CEQA) under the general rule in Section 15061 (b)(3) because it can be seen with certainty that adoption of the proposal will not result in a physical impact on the environment.
2. The proposed amendments to the County Code are consistent and compatible with the Sonoma County General Plan because they preserve land within the burn area for residential use.
3. The adoption of the proposed ordinance is necessary to protect residential lands within the burn area from speculative development and conversion to visitor-serving uses.
4. There is a continuing and demonstrated need for the protection of housing and of lands zoned for housing; and
5. Adoption of the proposed amendments do not restrict reasonable use of the affected properties.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the proposed amendments to Chapter 40 of the Sonoma County Code.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, California 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Carr, who moved its adoption, seconded by Commissioner Tamura, and adopted on roll call by the following vote:

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Recused
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.



Sonoma County Planning Commission STAFF REPORT

FILE: ORD18-0007
DATE: 30 August 2018
TIME: 1:35
STAFF: Jane Riley, Project Planner

Board of Supervisors Hearing will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: Permit Sonoma

Owner: Various

Location: 5,138 parcels within the October 2017 Sonoma Complex Fire burn area

APNs: Multiple

Supervisory District No.: District 1 and 4

Subject: Prohibition on New Vacation Rentals within Sonoma Complex Fire burn area

PROPOSAL: Add a new Section to Chapter 40 (Sonoma Complex Fire Disaster Recovery) of the Sonoma County Code to prohibit the establishment or operation of new vacation rentals within the burn area of the October 2017 Sonoma Complex Fire

Environmental Determination: Exempt under CEQA Guidelines Section 15061(b)(3), (General Exemption)

General Plan: Various

Land Use: Various

Ord. Reference: Chapter 40 (Sonoma Complex Fire Disaster Recovery)

Zoning: Various; see Table 1 on page 3

RECOMMENDATION: Recommend that the Planning Commission adopt a resolution recommending approval of the change to Chapter 40



EXECUTIVE SUMMARY:

This proposal would amend Chapter 40 of the Sonoma County Code (Sonoma Complex Fire Disaster Recovery) to prevent the establishment and operation of new vacation rentals within the burn area, which consists of 5,138 parcels. Hosted rentals would continue to be allowed. Property owners that hold valid permits to operate vacation rentals may continue after rebuilding provided that 1) the property is not within an X Combining Zone; and 2) the property has not been sold or transferred.

As part of the Comprehensive Planning Work Plan, the Board of Supervisors may request staff to bring forward consideration of an X Combining District Rezone to prohibit new vacation rentals within the burn zone, or a portion thereof, on a permanent basis. This request would need to be made prior to the expiration of Chapter 40 at the end of 2019.

The term “burn area” refers to land mapped by the California Department of Forestry and Fire Protection (CALFIRE) as the October 2017 Sonoma Complex Fire Perimeter. Refinement of this area may be made during future consideration of an X Rezone.

CEQA Determination: The proposal is exempt from further review under the California Environmental Quality Act (CEQA) under the general rule provided in Section 15061 (b)(3) because it can be seen with certainty that adoption of the proposal will have no physical effect on the environment.

ANALYSIS

Background and Project Description:

The October 2017 Sonoma County Complex Fires intensified an already challenging housing shortage with an estimated loss of over 5,200 homes. The projected need for additional housing in Sonoma County is several times larger than the amount of new housing that has actually been built in recent years. Over the 5-year period from 2013 through 2017, the County averaged 716 permitted units per year. If this average level of construction is maintained from 2018 through 2020, the County will see nearly 3,754 new units constructed, well below the above figures (*Sonoma County Complex Fires: Housing and Fiscal Impact Report*, Beacon Economics, February 2018).

One area of concern not factored into the above figures is the conversion of homes to vacation rentals. Recent American Community Survey (ACS) data show that at least 4.3% of housing units in Sonoma County are vacation properties. To the extent that Sonoma County becomes increasingly attractive as a place of second homes and rental homes, total housing needs must account for this segment of the housing market (Beacon Economics, February 2018).

24 October 2017. The Board of Supervisors adopted an Urgency Ordinance (Ordinance No. 6209) to enact a 45-day moratorium on the issuance of any new vacation rental or hosted rental permits countywide to facilitate emergency housing for persons displaced by the Sonoma Complex Fire. The moratorium was subject to extension for periods of up to one year. The ordinance was intended to temporarily preserve the County’s existing single-family residences and accessory dwellings for permanent residential and long-term rental uses. The ordinance found that conversion of these dwellings to vacation rentals or hosted rentals would contribute to the existing housing emergency.

5 December 2017. The Board of Supervisors updated the Urgency Ordinance to extend the moratorium on vacation rental permit issuance to 60 days from the date of adoption, exclude permits for hosted rentals, and exclude permits in the Russian River Planning Area.

23 January 2018. The Board of Supervisors voted to not extend the moratorium on new vacation rental permit applications, but directed staff to develop a temporary vacation rental prohibition for the burn area only.

Because anecdotal experience indicated that some vacant lots within the burn area were being purchased by investors for the purpose of developing vacation rental properties rather than homes for long-term residents, the Board requested that Permit Sonoma staff work on a solution to address both the short-term issue of land speculation and the longer term issue of the loss of residential properties to visitor-serving uses.

To this end, staff proposes a two-step process including: 1) an amendment to Chapter 40 of the Sonoma County Code (Sonoma Complex Fire Disaster Recovery) to prevent the establishment and operation of new vacation rentals within the burn area; and 2) as part of the Comprehensive Planning Work Plan, the Board may direct staff to consider adding the burn area parcels, or an identified subset thereof, to the X Vacation Rental Exclusion Combining Zone to permanently prohibit the establishment of new vacation rentals. This request, if made, would return to the Planning Commission for consideration and public hearing.

ANALYSIS AND DISCUSSION OF ISSUES

Table 1 below shows the number of parcels within the burn area by zoning district.

Table 1. October 2017 Sonoma Complex Fire: Parcels within Burn Area, by Zone

Zoning District	Number of Parcels	Number of Vacation Rental Permits within Existing X Combining Zone Designation*	Number of Parcels with Vacation Rental Permits
Diverse Agriculture (DA)	506		29
Land Extensive Ag (LEA)	65		---
Land Intensive Ag (LIA)**	279		4**
Ag Residential (AR)	228		9
Rural Residential (RR)	2149	15*	69
Low Density Residential (R1)	889	15*	48
Medium Density Residential (R2)	71		---
High Density Residential (R3)	6		---
Planned Community (PC)	7		---
Resource and Rural Development (RRD)	746		42
Limited Commercial (LC)	43		---
Recreation & Visitor-Serving (K)	7		---
Neighborhood Commercial (C1)	5		---
Commercial Office (CO)	3		---
Public Facilities (PF)	78		---
Roads*	3		---
TOTALS	5,138	30*	201

* Vacation rentals not permitted in X Combining zone. Existing permits expire upon sale or transfer of the property

** Vacation rentals no longer allowed in the LIA. These permits are allowed to continue until sale or transfer of the property

Issue #1: General Plan Consistency

The proposal affects only the transient use of existing or rebuilt residential properties, and does not authorize new development or construction. As such, it is consistent with the Land Use policies of the General Plan. In the Housing Element of the General Plan, a specific policy and program that relate to this proposal include:

Policy HE-1k: Continue to regulate the use of existing residences on residential lands for vacation rentals.

Housing Element Program 6: Review Vacation Rental Ordinance Program Description: The County will review and consider revisions to the Vacation Rental Ordinance to limit conversion of permanent housing stock and make vacation rental uses more compatible, and to facilitate enforcement when necessary.

Approval of the proposal to amend Chapter 40 would ensure that rebuilding within the burn area is consistent with the General Plan while long-term options to consider adding the Vacation Rental Exclusion (X) Combining Zone can be considered.

Issue #2: Existing Vacation Rental Permits in Burn Area

After the effective date of the proposed ordinance amending Chapter 40, no new vacation rental may be established or operated on a parcel within the burn area. However, existing vacation rentals which were fully permitted and current on Transient Occupancy Taxes (TOT) as of October 8, 2017 would be allowed to continue until sale or transfer of the property, at which time the vacation rental permit is automatically expired. This allowance includes those legal vacation rentals within the burn area that filed an exemption from transient taxes in the months after the fire in order to make homes available for families displaced by the fires.

As with existing practice, a vacation rental permit within the burn area could also be revoked for repeated violations of the vacation rental performance standards, as set forth in the Vacation Rental Ordinance (26-88-120), in which case it would not be able to resume as a vacation rental.

Issue #3: Hosted Rentals

Hosted rentals (rental of one guest room or guest house, with the owner remaining on site) would not be affected by the code change and would continue to be allowed within the burn area.

Issue #4: Term of Restrictions

As proposed, the change to Chapter 40 prohibiting the establishment and operation of any new vacation rentals in the burn area would expire on December 31, 2019, unless extended by the Board of Supervisors. Prior to the expiration of these restrictions, the Board may direct staff to bring forth a rezoning application to consider application of the X (Vacation Rental Exclusion) Combining Zone to some or all of the parcels within the burn area. Comprehensive Planning would add such a request to the work plan. Full review and noticed hearings by the Planning Commission and Board of Supervisors would be required.

STAFF RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing, determine that the project is exempt from CEQA, and adopt the attached resolution recommending that the Board adopt an amendment to Chapter 40 of the Sonoma County Code prohibiting the establishment and operation of vacation rentals within the burn zone, except under the specified conditions discussed herein.

LIST OF ATTACHMENTS

EXHIBIT A: Draft Planning Commission Resolution

EXHIBIT B: Draft Ordinance amending Chapter 40



County of Sonoma
Permit & Resource Management Department
Date:

Sonoma County Planning Commission
DRAFT MINUTES

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

Date: August 30, 2018
Meeting No.: 18-10

ROLL CALL

Greg Carr
Todd Tamura
Komron Shahhosseini
Ariel Kelley
Pamela Davis, Chair

STAFF MEMBERS

Jennifer Barrett
Jane Riley
Arielle Kohn, Secretary
Christa Shaw, Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance.

Correspondence

Planning Commission/Board of Zoning Adjustments/Board of Supervisors Actions

Commissioner Announcements/Disclosures - Commissioner Tamura spoke with Jane Riley and also met with a person regarding using their home as a vacation rental.

Commissioner Kelley spoke with Greenbelt Alliance and by email with Jane Riley.

Commissioner Carr spoke with Terry Shore from Greenbelt Alliance.

Public Appearances.

PLANNING COMMISSION REGULAR CALENDAR

Item No.: 1
Time: 1:05 pm
File: PLP16-0011
Applicant: County of Sonoma
Cont. from: July 12, 2018
Staff: Amy Lyle
Env. Doc: Exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, title 14, §§ 15301 (existing facilities), 15305 (minor alterations in land use limitations) and 15061(b)(3) (exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment).
Proposal: Amend the zoning code to allow hosted rentals, agricultural farmstays and marketing accommodations in the three agricultural zones (LIA, LEA, and DA). Do not amend the General Plan to allow vacation rentals, but allow existing permitted vacation rentals to be recognized and run with the land with a minor use permit.
Location: Countywide
APNs: Various

District: ALL
Zoning: LIA, LEA and DA

THIS ITEM (PLP16-0011) WAS CONTINUED TO SEPTEMBER 6, 2018 AT OR AFTER 1:05 PM

Item No.: 2
Time: 1:05 pm
File: ORD18-0006
Applicant: County of Sonoma
Cont. from: N/A
Staff: Jane Riley
Env. Doc: Negative Declaration
Proposal: Revisions to the Sonoma County Code to expand opportunities for housing by adopting allowances for new housing types, simplifying development standards, and better preserving existing rental housing and mobile home parks.
Location: Countywide, excluding coastal zone
APNS: Various
District: ALL
Zoning: Multiple urban zoning designations

Jane Riley summarized the staff report and introduced her team. Mapping and Policy Options were presented by **Nina Bellucci**. **Shelly Bianchi-Williamson** assisted with map presentation.

Questions from Commissioners

Commissioner Carr asked if comparable data had been obtained from other jurisdictions regarding the density bonus equivalent. **Staff Riley** stated that San Luis Obispo has a similar policy that has been successful, but uses a lower housing cost baseline and encourages more apartments and rental housing. **Commissioner Carr** asked if any outreach to cities had been done. **Staff Riley** indicated that cities were notified. Santa Rosa is aware of the proposal and have reviewed it. City of Sonoma has not responded. They seem to be waiting to see what happens at the County level. **Commissioner Carr** added that he would like to see the cities take a lead and in Workforce Housing the South Santa Rosa area needs to be discussed. Commissioner Carr expressed concern about CEQA comments that were received.

Commissioner Davis asked about Chris Barney's letter regarding VMT (vehicle miles traveled). **Deputy Director Barrett** stated that VMT is how we evaluate traffic impacts. Staff is not there yet for this project – the entire traffic model would need revamping. Many traffic studies show that when you have residential near jobs, the vehicle traveled miles will go down. Basically, that's what Chris (from the letter) is saying. Staff is doing model calibration. **Commissioner Shahhosseini** added that there is only little over a year left to modify these standards. **Deputy Director Barrett** commented that a lot of jurisdictions are trying to figure this out. It needs to be coordinated with all of the communities and it is a daunting task.

Commissioner Carr asked the question about the baseline and the impact analysis and expressed concern about what standard is being used. We really don't know how many units are going to go into the Urban Service Area. It seems estimates could be made – particularly in the cottage housing. Urban Service Area analysis is needed. Will there be fees for sewer capacity? These questions make it difficult for him. **Staff Riley** commented that staff is struggling with the same thing. We don't know exactly, what will happen, where, or what information to use. When the commission provides policy direction it will help us to frame the project description and provide more clarification getting closer to a real perspective.

Deputy Director Barrett stated that Commissioner Carr is right about the CEQA issue of what exists today vs. what is proposed, and the Cottage housing would create more variety. The sewer flow issue is a good point. Staff Riley added that if fees don't come down, housing is not going to be built. Permit Sonoma collects fees for

other agencies. There is a county wide fee study. Fees are a very important part about this. Water Agency working on this with us.

Commissioner Kelley asked whether cottage housing would be allowed in burn areas or not. **Staff Riley** commented that cottage housing would supplement housing in established single family neighborhoods. The fire caused entire neighborhoods to be lost which generated concern that neighborhoods would lose the single family home quality. Staff included a policy option to not allow them until the housing lost in the fire is built again.

Commissioner Kelley asked if consideration had been given to extending stays in RV parks. People have been living year round in RVs, tinkering on the edge of homelessness if they can't reside in RV parks. **Staff Riley** stated that there are laws regarding year round occupancy in mobile homes that are not intended for RV parks, so they were not included in this package. This is something that we could look at down the line, but would delay the item if added at the present time.

Public Hearing Opened 2:25 p.m.

Speakers

Walter Kieser, Geyserville, supported the proposal, which will support the Housing Element objectives in a positive way. The Housing Element began as an attempt to promote city centered growth. There is a housing problem which is on the verge of changing the social fabric of Sonoma County, and it is scary to see what is happening. The county has a responsibility to focus on big picture to build housing and not get stuck on details. The County is taking a lead for other jurisdictions and needs to focus on producing more housing in Sonoma County.

Daisy Damskey, President Geyserville Planning Committee, expressed support; but wanted to look at the micro, not the macro. Since 1983, Geyserville has their own planning committee. They want to be able to generate their own ideas about what we need in their community. Their commercial attributes would be outweighed considerably based on the presentation. Their community would be off-balance with the proposed rules. People don't want more than 2 stories, they want trees and parks. They want a closer proximity of work to home sites. They want to support community and economic generation in their own town. The macro can impact mass and quality of life.

Teri Shore, Greenbelt Alliance, submitted written comments that provided a lot of detail. She reviewed the main issues that she feels need to be reviewed. The fire recovery is underway, and there are close to 21,000 permits in the pipeline between the cities and counties. We have moved out of the immediate crisis, and now we can look forward. Shore opposed short term decisions that do not include environmental review and expressed concern about potential impacts on the urban growth boundaries. These new measures are better placed within the General Plan update since they impact so many things.

More detail is needed as to the number of parcels involved. Ms. Shore stated that the staff report did not include affordability options and it was unclear how many parcels that the new policies would affect, and whether they include vacant parcels or existing parcels with services.

If commercial and industrial lands are going to be converted, more details are needed there.

Since the County is a lead agency which the other jurisdictions will follow, we need to make sure that the details are covered. Cities also need to be involved – especially in light of the impact on urban service and urban growth boundaries. Include Geyserville and the Springs as well as all the jurisdictions.

Commissioner Davis asked about the affordability issue. **Staff Riley** indicated that affordability requirement would remain the same as for anything that is proposed. Staff was not proposing to limit development to vacant parcels. This issue was brought up to respond to requests on how this would affect different communities. This would be reviewed in analysis.

Deborah Nitisaka, SC Housing Advocacy Group, Glen Ellen Burn Zone, thanked staff and expressed gratitude for the emphasis for mobile home housing and condo conversion, which has been a stressful issue for

older folks, lower income families, etc. She expressed concern about developing housing in airport areas because of what that will do to the community. This could eliminate the potential for job growth and quality of life for those living near the Airport. She was not sure about the burn exemption.

Dee Swanhuysen, Sebastopol, expressed concern about increasing housing and people in wildfire hazard zones. We have responsibility to do what we can to prevent fires in fire hazard zones. She expressed concern that CEQA needs to be evaluated to include emergency response to help us understand the impacts. She is sticking with safety of the community, the land, soils, and the forests.

Jean Kopolchok, Santa Rosa, commented that the proposed changes were well thought out. She suggested broadening the workforce housing district within certain zoning districts that would increase housing affordability. In the LC and PF districts, for example, the intention is to create workforce in relationship to workforce centers, and staff could consider adding more retail uses. This would create a work zone. Kopolchok supported expansion on the types of uses in zones which would double the affordability. If there were concerns about compatibility, a use permit could be required.

Deputy Director Barrett stated that the LC zone is not a combining zone, and staff is not limiting the uses. The PF zone, is a little different, and she did not know if staff could go there with the current analysis we have done. These are public service zones.

Shelley Clark, Legal Aid of Sonoma County, echoed concerns of affordability. Workforce housing needs to be close to schools, stores, work and housing needs to be close to amenities in the communities. The Mobile Home ordinance needs to be looked at. We need to give security to mobile home owners. The staff report needs clarification regarding rental of mobile homes vs. parking spaces. **Staff Riley** stated we have the ordinance specifically in place for renters – not parks renting out spaces, and staff will take a look at this and clarify it.

Efren Carrillo, Santa Rosa, thanked staff for bringing the recommendations forward and said it is a step in the right direction to address the housing crisis. Housing is a prime priority. Staff has done this in a very thoughtful way. There is enough detail now. We see the challenges daily. It starts at the local government model. Carrillo represents Burbank Housing, who currently have no projects. The fire storm, took out 5,000 housing units, and Burbank is not in construction on any project. The need for affordable housing was already there, the need is growing by the minute. The need is not going away. We need to look at the actual number of houses being constructed. Carrillo recommended approval of the recommendations. He encouraged the commission to approve the proposal.

Karilee Shames, Sebastopol, represents mobile home owners, and is Secretary Santa Rosa Mobile Home Association, stated that they had been asked for input. Park owners call them renters, but they own their homes. They bought into this community, and in this sense they need protection.

Bryce Jones, Cloverdale, Geyserville Planning Committee member, hears over and over whether people are renters or owners. He is a renter, and they are becoming scarce. The proposals will help with the housing inventory in the housing market. Most will be rental units. That is something beneficial to the community. In Geyserville housing is limited housing and rental pricing is going up. The diversity is changing, and young people are moving out of the area. People applying for Mixed Use Permits which is good. It is an important component to our community. This is good for property owners, seniors, and having the availability for these extra units offers stability. Property values will increase – which is an impact on all residents. Geyserville is an active community. The community would like to be involved with this issue.

David Petritz, Santa Rosa, thanked staff. He expressed concern about fires. Having experienced the Fountain Grove fire, he questions that encouraging greater density could be a problem. Do we really want to get into more density, traffic, and need for emergency and safety concerns? Regarding the Airport area, staff should coordinate with other agencies to make sure that there is no negative impact on the airport for our future as a community. Mr. Petritz encouraged staff to consider how easy you want to make it for areas to be subject to fire interface.

Public Hearing Closed: 3:10 p.m.

Commission discussion on policy options

Density Unit Equivalents:

Commissioner Carr expressed concern about the Negative Declaration. This could cause problems in the future, although we can go forward with density equivalent now. **Commissioner Tamura** concurred.

Commissioner Shahhosseini commented that he was concerned about flexibility. The market will dictate what it wants you to build. This may narrow our options, and might be too specific. We want affordable units; however, people will still build what is marketable, regardless.

Commissioner Kelley stated she doesn't want to see the disincentive on the 3 bedrooms. There is a need for that. We don't want to punish those. I like what we have. I don't want it to change in that direction.

Straw Vote: Commissioner Tamura moved, and **Commissioner Kelley** seconded, to approve staff recommendation Option 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Workforce Housing - Where should be allowed.

Commissioner Carr expressed concern about not having a more rigorous look at the housing in Design Review because it does not look at underlying land issues. **Deputy Director Barrett** commented that we look at the appropriate use of land before a project goes to Design Review.

Commissioner Kelley supported Option 1, but expressed concern about Option 2 due possible hazardous materials uses in certain zones.

Commissioner Shahhosseini expressed concern that when approved housing becomes established it can cause problems for commercial uses nearby, He has seen that happen and it should be avoided.

Commissioner Davis concurred that we need to make sure that we have compatible uses in these new areas.

Commissioner Carr moved, and **Commissioner Tamura** seconded to approve staff recommendation Option 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Policy Option for workforce housing – Proximity to Employment Center or Transit

Commissioner Kelley asked how staff arrived at the 3 acres and 10 acres statement in Option 2. **Deputy Director Barrett** indicated that they took the workforce housing fee study, which had had jobs-per-acre amounts, and took that and figure and calculated jobs-per-acre, which resulted in 3 acres of commercial or 10 acres of industrial.

Straw Vote: Commissioner Kelley moved, and **Commissioner Shahhosseini** seconded to approve Option 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Policy Option: Workforce Housing – Unit Size

Commissioner Carr supported anything that adds more units and supported Option 3.

Commissioner Shahhosseini stated that the market will dictate what to build. As time goes on, it costs more to build, and more money is needed to build. We should not over-regulate this where these homes are just going to sit there. He supported Option 1.

Commissioner Kelley supported staff recommendation of Option 1 and 2 and say problems with Options 3 and

Commissioner Davis supported Options 1 and 2 and asked about affordable housing requirements. **Staff Riley** commented that they have met with for-profit and non-profit contractors.

Straw Vote: Commissioner Kelley moved, and **Commissioner Tamura** seconded to approve staff recommended Options 1 and 2. This motion failed. A second motion was made by **Commissioner Kelley** and seconded by **Commissioner Tamura** to approve Option 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Policy Option - Workforce Housing Combining Zone – Allowable Density

Staff Riley indicated that staff recommends Option 1 because that density is the one that has been working. Density bonuses can be applied, and staff wanted to set the density a bit lower. If not done here, there would need to be a deed restrictive affordable units.

Straw Vote: Commissioner Tamura moved, and **Commissioner Shahhosseini** seconded to approve staff recommended Options 1. The motion passed 5-0.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Policy Option: Cottage Housing Developments – Location and Zoning

Commissioner Davis asked to review the map of those areas again. **Staff Riley** reviewed the maps again and stated that this is complicated, and the commission was not restricted to choosing the policy options with what is before them. They can recommend other options.

Commissioner Carr expressed reluctance to approve until more research is done. While in favor of putting some variety into our suburban areas, it is a big pill to swallow. We need to be careful where happens, but we need to look at it. **Staff Riley** stated that staff can do more analysis, and it would be helpful to walk through the policy options, to see what further clarification and refinement we can make.

Commissioner Davis asked about responses from the ADU and JADU permit holders. **Staff Riley** commented that the response has been good. Although both an ADU and JADUs are allowed on the same property, not many have applied. **Commissioner Davis** wanted more CEQA analysis.

Commissioner Carr remarked that Option 1 has the broadest application and include the burn areas.

Commissioner Davis expressed concern about that. **Commissioner Kelley** wondered why there was a 3 unit limit before requiring a conditional use permit. **Staff Riley** stated that the was rationale was to try to match what was an average in an R1 zone, which is 2700 sq. ft. **Deputy Director Barrett** commented that neighbors would be notified and that parcels are being sold. It would give staff the option to look at each project case by case. **Staff Riley** added that there are several communities with CC & Rs which limit the number of units.

Commissioner Tamura did not want to keep delaying in the process, and thought Option 1 could be modified at a later date. **Commissioner Carr** thought the cottage issue should come back separately to the Planning Commission.

Straw Vote: Commissioner Kelley motioned, and **Commissioner Tamura** seconded, to approve Option 1 with modifications to include radius evaluations to prevent overconcentration in burn areas. The motion passed with a 3-2 vote.

Commissioner Carr	No
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	No

Ayes: 3
Noes: 2
Absent: 0
Abstain: 0

Policy Option - Cottage Housing Developments – Minimum Parcel Size and Density

Staff Riley clarified the options regarding parcel size

Commissioner Shahhosseini asked what makes it a cottage. Staff Riley answered that it is small with shared public space and amenities and it is on a shared lot. There is common space but no individual yards. Parking is supposed to be clustered.

Commissioner Tamura supported Option 2. **Commissioner Carr** agreed but expressed concern about impacts to traffic, sewer and water.

Straw Vote: Commissioner Tamura motioned and **Commissioner Shahhosseini** seconded to approve Option 2. The motion passed with a 5-0 vote.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Straw Vote: Protection for Renters in Mobile Home Parks. **Commissioner Carr** motioned, and **Commissioner Shahhosseini** seconded, to approve the staff recommendation, Option 2. After discussion, the motion was revised with language added to clarify rentals vs, ownership and include RV parks. The motion passed with a 5-0 vote.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Policy Option: Condominium Conversions

Straw Vote: Condominium Conversions. **Commissioner Carr** motioned, and **Commissioner Tamura** seconded, to approve the staff recommendation. The motion passed with a 5-0 vote.

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

For the final vote, **Commissioner Davis** asked to separate cottage housing from the motion. That way the items that the commission were comfortable with can be moved forward.

Commissioner Tamura amended his motion to approve the package but extricate the cottage housing portion of the package. **Commissioner Shahhosseini** seconded.

Action: **Commissioner Tamura** motioned to recommend approval of the housing package with minor modifications. Seconded by **Commissioner Shahhosseini** and passed with a 5-0-0 vote. **Commissioner Tamura** made a second motion to approve cottage housing provisions to go forward with minor modifications. Seconded by **Commissioner Shahhosseini** and passed with a 3-2-0 vote.

Appeal Deadline: N/A

Resolution No.: 18-014

1st Vote:

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

2nd Vote:

Commissioner Carr	No
Commissioner Tamura	Aye
Commissioner Shahhosseini	Aye
Commissioner Kelley	Aye
Commissioner Davis	No

Ayes: 3

Noes: 2

Absent: 0

Abstain: 0

Item No.: 3
Time: 1:35 pm
File: ORD18-0007
Applicant: Permit Sonoma
Owner: Various
Cont. from: N/A
Staff: Jane Riley
Env. Doc: Exempt under CEQA Guidelines Section 15061(b)(3), (General Exemption)
Proposal: Add a new Section to Chapter 40 (Sonoma Complex Fire Disaster Recovery) of the Sonoma County Code to prohibit the establishment or operation of new vacation rentals within the burn area of the October 2017 Sonoma Complex Fire.
Location: 5,138 parcels within the October 2017 Sonoma Complex Fire burn area
APNS: Multiple
District: District 1 and 4
Zoning: Various

Staff Riley summarized the staff report, which is incorporated herein by reference. **Staff Riley** added that not all parcels in the burn zone actually burned and this analysis needs to be completed. **Commissioner Shahhosseini** stated that he needs to recuse himself from this item and he left the room.

Commissioner Carr asked for a big parcel map of all the burn areas. **Commissioner Tamura** commented that a lot of people who lost homes are in the process of getting drawings done, lost property in the fires and paid fees. This is going to impact them. He asked if there is a way to differentiate between these people and the speculators. **Staff Riley** stated there is no implied permission to develop a residential property as a vacation rental and they need to check with staff first. An existing vacation rental can be rebuilt same as the burned house; otherwise an applicant cannot get a vacation rental permit until after the home is rebuilt. The prohibition cannot take place till 30 days after Board action, and houses built before effective date could get a permit for a vacation rental. The Board could also extend the time frame for the prohibition.

Public Hearing Opened

Janet Hansen, Kenwood, opposed vacation rental permits in the burn areas. Seven of eleven houses in the burn zone near her survived. It was a scary experience. People are interested now interested in in buying lots to build vacation rentals and this is a serious concern. We need to slow down conversions. **Staff Riley** stated that if someone in the perimeter came in with a house that is safe for occupancy they could issue the permit. **Commissioner Carr** wondered if the Board date could be moved up. **Staff Riley** stated that the agendas are full.

Velma Sims, Kenwood, stated that a lot of roads in burn area are one way in and out. It creates a high probability for blockage of the exits for residents. The fire chief stated there could be problems.

Deborah Nitisaka, Glen Ellen, stated that there was severe housing shortage before the fires, and it is much worse now. Anything we can do to protect housing stock we must do. Vacation rentals are a blight. In her neighborhood, she used to have neighbors, and now have 20 vacation rentals. The parties are disruptive to the quality of life, and some permits have been revoked. The program is completely inappropriate for neighborhoods and is creating problems around the world as people decide to be on permanent vacation.

Teri Shore, Greenbelt Alliance, stated that vacation rentals should be prohibited and for more than one year. It will take years to rebuild the homes that have burned.

Public Hearing Closed

Commissioner Carr agreed and thought the prohibition should be extended.

Action: **Commissioner Carr** motioned to recommend approval to the Board of Supervisors as recommended by staff. Seconded by **Commissioner Tamura** and passed with a 4-0-1 vote.

Sonoma County Planning Commission Draft Minutes

Date: August 30, 2018

Page 11

Appeal Deadline: N/A

Resolution No.: 18-015

Vote:

Commissioner Carr	Aye
Commissioner Tamura	Aye
Commissioner Shahhosseini	Recused
Commissioner Kelley	Aye
Commissioner Davis	Aye

Ayes: 4

Noes: 0

Absent: 0

Abstain: 1



Sonoma County Certificate of Compliance

REVIEW

FOR REVIEW BY THE BOARD OF SUPERVISORS

MEETING OF OCTOBER 23, 2018

Item #1 File: PLP 18-0030
Applicant: Krasilsa Pacific Farms LLC
Owner: Krasilsa Pacific Farms LLC, 7030 Faught Rd., Santa Rosa 95403
Staff: Gary O'Connor
Location: East of Cloverdale Sup. Dist.: 4
4800 Geysers Rd., 2002 Shellenger Rd., 29810 River Rd., Cloverdale, 95425
APN: 115-200-002, 115-210-002, 116-240-006, 117-260-001 & -002, 117-270-002, -
003 &-006
Zoning: RRD B6 20, VOH
Requested: 4 (four)
Size: Parcel 1: 14.73 acres +/-
Parcel 2: 1,888 acres +/-
Parcel 3: 389 acres +/-
Parcel 4: 19.87 acres +/-
Improvements: Parcel 1: House
Parcel 2: None
Parcel 3: None
Parcel 4: None
Services: None
Approved: 4 (four)



Criteria: These parcels are considered legally separate as they were created by conveyance (grant deed or Government Patent) in which fewer than five parcels were created prior to March 1, 1967

1.

Parcel 1: Created by: Book 138 of Deeds, Page 78, Sonoma County Records, recorded May 9, 1892.

Reference Documents: Book 115 of Deeds, Page 190, Sonoma County Records, recorded July 24, 1888. (exception)

Parcel 2: Created by: Book 96 of Deeds, Page 111, recorded on April 24, 1885

Reference Documents: None

Parcel 3: Created by: Book 96 of Deeds, Page 313, recorded on May 12, 1885 (northerly portion)

Reference Documents: Book 115 of Deeds, Page 190, recorded on July 24, 1888 (exception bisecting creation document)

Parcel 4: Created by: Book 96 of Deeds, Page 111, recorded on April 24, 1885 (southerly portion)

Reference Documents: Book 115 of Deeds, Page 190, recorded on July 24, 1888 (exception bisecting creation document)

Appeal Deadline: October 26, 2018





Sonoma County Project Review and Advisory Committee
ACTIONS

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: October 4, 2018

COMMITTEE MEMBERS

Keith Hanna, Sanitation - Vice Chair
Blake Hillegas, Planning - Secretary
Shelley Janek, Agricultural Commissioner's Office
Laurel Putnam, Department of Transportation and Public Works
Yoash Tilles, Grading and Storm Water
Becky Ver Meer, Health Specialist
Leonard Gabrielson, Surveyor - Chair

REGULAR CALENDAR

Item No: 1
Time: 9:05 a.m.
File No.: CMO18-0002
Staff: Gary Helfrich
Applicant: Timothy Darrin, Trustee
Owner: same
Con't from: n/a
Env. Doc: Categorical Exemption
Proposal: Request for a Certificate of Modification to add 6,945 square feet to the western end of the building envelope and remove 22,340 square feet from the eastern end of the building envelope in order to accommodate a new garage adjacent to the existing single family residence.
Location: 4112 White Alder, Sonoma
APN: 142-280-029
District: 1
Zoning: AR (Agricultural and Residential), B6 10 acres per dwelling unit, SR (Scenic Resources) and subject to the Taylor/Sonoma/Mayacamas Local Design Guidelines.

Action: Blake Hillegas moved to find the project Categorical Exempt from CEQA (pursuant to Section 15305, "Minor alterations in land use limitations") and approve subject to Findings and Conditions. Seconded by Becky Ver Meer and passed with a 4-0-3 vote.
Appeal Deadline: 10 calendar days

Sonoma County Project Review and Advisory Committee Actions
October 4, 2018

Vote:

Keith Hanna:	Absent
Blake Hillegas:	Aye
Shelley Janek:	Absent
Laurel Putnam:	Absent
Yoash Tilles:	Aye
Becky Ver Meer:	Aye
Leonard Gabrielson:	Aye

Ayes: 4
Noes: 0
Absent: 3
Abstain: 0



Sonoma County Project Review and Advisory Committee
ACTIONS

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: October 18, 2018

COMMITTEE MEMBERS

Keith Hanna, Sanitation - Vice Chair
Blake Hillegas, Planning - Secretary
Shelley Janek, Agricultural Commissioner's Office
Laurel Putnam, Department of Transportation and Public Works
Yoash Tilles, Grading and Storm Water
Becky Ver Meer, Health Specialist
Leonard Gabrielson, Surveyor - Chair

REGULAR CALENDAR

Item No: 1
Time: 9:05 a.m.
File No.: MNS16-0004
Staff: Brian Millar, Land Logistics
Applicant: Cort Munselle
Owner: Gregg Family Partnership
Con't from: September 20, 2018
Env. Doc: Mitigated Negative Declaration
Proposal: Request for the Minor Subdivision of an 82 acre parcel into four lots, ranging in size between 9.34 and 40.46 acres with a designated remainder of 14.04 acres.
Location: 3915 Wallace Road, Santa Rosa
APN: 029-050-085
District: 1
Zoning: Rural Residential (RR) with an allowable density of 1 dwelling unit per 5 acres, and combining districts for Riparian Corridor 50/50 (RC), Scenic Resources (SR), and Valley Oak Habitat (VOH).

Action: Blake Hillegas moved to continue this item to date and time uncertain. Seconded by Shelley Janek and passed with a 6-0-0-1 vote.
Appeal Deadline: n/a

Sonoma County Project Review and Advisory Committee Actions
October 18, 2018

Vote:

Keith Hanna:	Aye
Blake Hillegas:	Aye
Shelley Janek:	Aye
Laurel Putnam:	Aye
Yoash Tilles:	Aye
Becky Ver Meer:	Aye
Leonard Gabrielson:	Abstain

Ayes: 6
Noes: 0
Absent: 0
Abstain: 1