

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

TUESDAY

September 16, 2014

8:30 A.M.

(The regular afternoon session commences at 2:00 p.m.)

Susan Gorin	First District	Veronica A. Ferguson	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
Mike McGuire	Fourth District		
Efren Carrillo	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 Board of Directors of the Northern Sonoma County Air Pollution Control 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, 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 or the public request specific items be discussed and/or removed from the Consent Calendar.

PUBLIC COMMENT

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair. 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, and generally may only listen.

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. BOARD MEMBER ANNOUNCEMENTS

III. CONSENT CALENDAR

(Items 1 through 27)

PRESENTATIONS/GOLD RESOLUTIONS

(Items 1 through 6)

PRESENTATIONS AT THE BOARD MEETING

1. Adopt a Gold Resolution honoring Cadet Captain Nick Kebodeaux on receiving the Amelia Earhart Award. (Third District)
2. Present a Gold Resolution, adopted on June 24, 2014, proclaiming July 13-19, 2014 as Pretrial, Probation, and Parole Supervision Week in Sonoma County. (Probation)

PRESENTATIONS AT A DIFFERENT DATE

3. Adopt a Gold Resolution congratulating La Luz Center on being a recipient of the North Bay Leadership Council's 2014 Leaders of the North Bay Award for empowering the Latino community. (First District)
4. Adopt a Gold Resolution celebrating the 60th anniversary of the Sonoma County Family YMCA. (Third District)
5. Adopt a Gold Resolution to recognize California Human Development for their contribution to Sonoma County. (Fourth District)
6. Adopt a Gold Resolution proclaiming September 23-29, 2014, as "Falls Prevention Awareness Week" in Sonoma County.

CONSENT CALENDAR

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

7. Adopt an Easement and Real Property Purchase Agreement and an Easement Agreement at the Farmhouse Inn, 7871 River Rd, Forestville, with Bartolomei Tommervik Bartolomei Properties, LLC, and adopt finding and determination that the proposed transfer is for an adequate consideration, will not adversely affect the Water Agency in any respect, and will not have a significant adverse effect on the environment; and authorize taking the following actions:
- (A) Authorize the Chair to execute Easement and Real Property Purchase Agreement setting forth the terms and conditions for the sale of easements described and granted by the Easement Agreement; and
 - (B) Authorize the Chair to execute an Easement Agreement conveying easement rights to Bartolomei Tommervik Bartolomei Properties; and
 - (C) Authorize the General Manager of the Water Agency to execute such documents and take such actions as may be required for the Water Agency under the Agreement; and
 - (D) Authorize the General Manager of the Water Agency to file a California Environmental Quality Act Notice of Determination. (4/5th vote required) (Fifth District)(Second Reading)
8. Authorize the Chair to execute the first amended agreement with Gold Ridge Resource Conservation District increasing the amount by \$11,000, expanding the scope of work to include salmon habitat restoration, and extending the agreement term by six months for a new not-to-exceed agreement total of \$55,200 and end date of June 30, 2015. (Fifth District)

AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR

AND

SONOMA COUNTY WATER AGENCY

RUSSIAN RIVER COUNTY SANITATION DISTRICT

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

AND

SONOMA VALLEY COUNTY SANITATION DISTRICT

(Directors: Gorin, Rabbitt, Rouse)

9. Fiscal Year 2014-15 Tax Rates –
- (A) Adopt a Concurrent Resolution of the Board of Supervisors of the County of Sonoma, the Board of Directors of the Sonoma County Water Agency, and the Board of Directors of the Russian River County Sanitation District setting the Fiscal Year 2014-15 tax rates for all debt service funds within their jurisdictions.
 - (B) Adopt a Resolution of the Board of Supervisors, County of Sonoma, setting the Fiscal Year 2014-15 unitary, operating non-unitary, and railroad unitary tax rate for voter approved indebtedness.
 - (C) Adopt a Resolution of the Board of Directors of the Sonoma Valley County Sanitation District setting the Fiscal Year 2014-15 tax rates for all debt service funds within its jurisdiction.

CONSENT CALENDAR

BOARD OF SUPERVISORS

10. Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for Fiscal Year 2014-15: Petaluma Wine, Jazz & Blues Festival for the Petaluma Music Festival event, \$1,500. (Second District)
11. Amend the Fiscal Year 2013-14 Advertising Program grant contract for advertising and promotion of the Sonoma County Pride event 2014 to correctly reflect that the contract is between the County and the Russian River Chamber of Commerce. The award amount and term will remain the same. (Fifth District)

COUNTY ADMINISTRATOR

12. Authorize the Chair to execute the First Amendment to the Personal Services Agreement with Grant Davis as General Manager, Sonoma County Water Agency, to extend for an additional three years from March 1, 2015 through March 1, 2018.
13. Adopt a Resolution reappointing Bruce Goldstein to the Office of County Counsel, for the four year term commencing January 6, 2015, and ending on January 8, 2019.
14. Approve the Updated Board Meeting Calendar for 2014.

COUNTY CLERK-RECORDER-ASSESSOR

15. Authorize the Clerk-Recorder-Assessor to execute an agreement with Kofile Preservation, Inc. for record preservation services for the period of August 20, 2014 to August 19, 2015, in the amount of \$601,136.

DISTRICT ATTORNEY

16. Adopt a Resolution authorizing the District Attorney to sign an Agreement with the State Victim Compensation and Government Claims Board for the Revolving Fund Agreement for Fiscal Years 2014-15 and 2016-17 to provide reimbursement to victims for specific expenses.

FIRE AND EMERGENCY SERVICES

17. Extension of Proclamation of Local Emergency Due to Drought Conditions – Adopt a 30 day extension of the Resolution proclaiming a drought emergency in Sonoma County.

CONSENT CALENDAR

GENERAL SERVICES/SHERIFF'S OFFICE

18. Moonraker Sea Ranch Ground Lease and Tower License –
- (A) Declare intent to execute a ground lease between the County of Sonoma and The Sea Ranch Association, a California non-profit mutual benefit corporation, for installation and operation of communications improvements at the Moonraker Sea Ranch telecommunications site located at 33012 Timber Ridge Road, The Sea Ranch, Sonoma County, for an initial term of fifteen (15) years at an annual rental cost of \$21,600, with two (2) extension options of five (5) years each.
 - (B) Direct the Clerk of the Board to publish a Notice of Intent pursuant to Government Code section 25350 to execute such lease agreement.
 - (C) Declare intent to execute a license agreement between the County of Sonoma and GTE Mobilnet of California Limited Partnership, a California limited partnership doing business as Verizon Wireless, for installation and operation of communications equipment on a portion of the communications tower at the Moonraker Sea Ranch telecommunications site located at 33012 Timber Ridge Road, The Sea Ranch, Sonoma County, for an initial term of five (5) years at an annual rental cost of \$14,400, with four (4) extension options of five (5) years each.

HUMAN SERVICES

19. Approve the addition of two youth seats to the Upstream Investments Policy Committee.

PERMIT & RESOURCE MANAGEMENT DEPARTMENT

20. Adopt a Resolution extending the Abandoned Vehicle Abatement Program until April 30, 2025.
21. Adopt a Resolution to vacate right-of-way over a portion of Primrose Avenue south and west of Santa Rosa. (File No. ENP14-0002) (Fifth District)

CONSENT CALENDAR

PERMIT & RESOURCE MANAGEMENT DEPARTMENT
AND
AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

22. Adopt a Resolution of the Board of Supervisors to:
- (A) Approve and authorize the Chair to execute an agreement for the rescission and simultaneous replacement of a Land Conservation Contract with two Open Space Easements pursuant to Gov. Code Section 51255, for 424 acre parcel owned by Hall T-T, LLC and located at 2457 Wilson Road, Geyserville, as a Condition of Approval for a previously approved Major Subdivision of the Hall T-T, LCC. PRMD File No. MJS04-0006.
 - (B) Receive report from Permit & Resource Management Department on General Plan consistency of the proposal pursuant to Gov. Code Section 51085, and find that restriction of the 424 acre parcel with two Open Space Easements, one over 421.5 acres and another over 2.5 acres, will substantially conform to the Land Conservation Act, Open Space Easement Act of 1974, and the Conditions of Approval for MJS04-0006.
 - (C) Approve and accept grant of the 2.5 acre Open Space Easement to the County of Sonoma, and authorize the Chair to execute the easement and Certificate of Acceptance.
 - (D) Authorize the Chair to execute a Certificate of Final Rescission of Land Conservation Contract conditioned on the recordation of the 421.5 acre and 2.5 acre Open Space Easements, and direct Permit & Resource Management Department to file a Notice of Determination under California Environmental Quality Act.
- Adopt a Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District to:
- (E) Approve and accept grant of the 421.5 acre Open Space Easement to the Sonoma County Agricultural Preservation and Open Space District, authorize the President of the Board of Directors to execute easement and Certificate of Acceptance, and direct the District to file a Notice of Exemption under California Environmental Quality Act. (Fourth District)

SHERIFF'S OFFICE

23. Authorize the Chair to execute an agreement with Los Angeles County for the provision of reciprocal intrastate prisoner transportation services effective July 1, 2014, or upon execution by the Sheriff of Los Angeles County, whichever is later, through June 30, 2019, at no charge.

SUCCESSOR AGENCY FOR THE SONOMA COUNTY
COMMUNITY REDEVELOPMENT AGENCY

24. Adopt a Resolution of the Governing Board of the Successor Agency for the Sonoma County Community Redevelopment Agency, approving the recognized obligation payment schedule for the period January 1, 2015 to June 30, 2015. (First and Fifth Districts)

TRANSPORTATION AND PUBLIC WORKS

25. Authorize the Chair to execute the First Amendment to the Agreement with Vali Cooper & Associates, Inc. for construction management services associated with the Cotati Intermodal Facility Project increasing the not-to-exceed amount from \$263,403 to \$299,059. (Second District)

CONSENT CALENDAR

26. Approve the plans and specifications for the 2013-2014 Lakeville Road (Road #3601) Tree Pruning and Removal Project, and Award the contract to low bidder Bay Area Tree Specialists, in the amount of \$221,775.00 and authorize Chair to execute construction contract M13002. (Second District)

MISCELLANEOUS

27. Approve the Minutes –
- (A) Minutes of the Meeting of August 5, 2014 for the following: Agricultural Preservation and Open Space District, Community Development Commission, Northern Sonoma County Air Pollution Control District, Occidental County Sanitation District, Russian River County Sanitation District, South Park County Sanitation District, Sonoma County Water Agency, and Board of Supervisors; and
 - (B) Minutes of the Meeting of August 5, 2014 of the Sonoma Valley County Sanitation District.

IV. REGULAR CALENDAR

(Items 28 through 30)

SONOMA COUNTY WATER AGENCY

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

28. Russian River Habitat Blueprint Grant –
- (A) Authorize the Water Agency's General Manager to execute a grant agreement with the National Oceanic and Atmospheric Administration for the Fiscal Year 2014-15 Russian River Habitat Planning, Restoration, and Coordination Program (\$690,000 grant; Water Agency cost share \$274,000).
 - (B) Authorize the Water Agency's General Manager to execute new agreements or amend existing agreements with United States Geological Survey (\$80,000), Gold Ridge Resource Conservation District (\$50,000), and University of California Cooperative Extension (\$14,300) in order to pass through funds designated for these partners in the grant agreement.

COUNTY ADMINISTRATOR

29. Approve the members of the Southwest Santa Rosa Annexation Board of Supervisors Ad-Hoc to sign a Memorandum of Understanding with Santa Rosa establishing the purpose of the joint County-City Annexation Committee. (Third and Fifth Districts)
30. Updated Advertising and Promotions Policy -
- (A) Adopt updated Advertising and Promotions Policy and direct staff to re-open time limited application process for additional Fiscal Year 14-15 funding available through Signage and Way Finding Category.
 - (B) Approve Fiscal Year 2014-15 Advertising Program grant award and authorize the County Administrator to execute a contract with the Graton Labor Center for the DREAMers documentary film project (\$10,000).
 - (C) Allocate Fiscal Year 2014-15 Advertising Program grants to support the Public Art Policy Implementation (\$15,000) and the Hispanic Heritage Month Business Visits Program (\$6,000).
 - (D) Authorize the County Administrator to execute an amendment to the agreement with the Russian River Chamber of Commerce to conduct positive messaging campaign for tourism this summer, extending the term for one year through June 30, 2015 and maintaining the current agreement amount of \$12,500.

V. CLOSED SESSION CALENDAR

(Items 31 through 33)

31. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Existing Litigation – Renewed Efforts of Neighbors Against Landfill Expansion (“RENALE”) an unincorporated association vs. County of Sonoma, a political subdivision of the State of California; Sonoma Compost Company, a corporation; Sonoma County Waste Management Agency, a public agency, U.S. District Court-Northern District Case No.: 3:14-cv-03804 TEH. (Gov’t. Code Section 54956.9(d)(1)).
32. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Existing Litigation – Name of Case: County of Sonoma v. CATS 4 U, et al Solano County Superior Court Case No. FCS041857 (Govt. Code Section 54956.9(d)(1)).
33. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of 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 Negotiator, Agency Negotiators: Wendy Macy/Carol Allen. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).

REGULAR AFTERNOON CALENDAR

(Items 34 through 35)

2:00 P.M. - RECONVENE FROM CLOSED SESSION

Report on Closed Session.

PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA (Comments are restricted to matters within the Board's jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. 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, and generally may only listen.)

Permit and Resource Management Department: Review and possible action on the following:

- a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments
- b) Acts and Determinations of Design Review Committee
- c) Acts and Determinations of Project Review and Advisory Committee
- d) Administrative Determinations of the Director of Permit and Resource Management

PERMIT & RESOURCE MANAGEMENT DEPARTMENT

34. **2:10 P.M. –**

- a) APPLICANT: Nathan Belden, Owner
- b) APPELLANT: Parker, Rodney, LaGoy
- c) LOCATION: 5561 Sonoma Mountain Road, Santa Rosa
- d) ASSESSOR'S PARCEL NUMBER: 049-030-010.
- e) ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration
- f) REQUEST: Conduct a Public Hearing and Adopt a Resolution denying the appeal, adopting the Mitigated Negative Declaration, and upholding the Board of Zoning Adjustments approval of a Use Permit and Design Review for the Belden Barns Winery, PRMD File No. PLP12-0016. (First District)

35. **ADJOURNMENTS**

NOTE: The next regular meeting will be held on September 23, 2014.

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

- 1. October 7th (PM) - Re-adoption of Official Zoning Database for Coastal Zone.
- 2. October 14th (PM) - Curreri General Plan Amendment/Zone Change Lot Line



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 Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Shirlee Zane
(707) 565-2241

Supervisorial District(s):

Third District

Title: Gold Resolution

Recommended Actions:

Gold Resolution honoring Cadet Captain Nick Kebodeaux on receiving the Amelia Earhart Award.

Executive Summary:

Prior Board Actions:

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

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):			
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: September 16, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Honoring Cadet Captain Nick Kebodeaux On Receiving The Amelia Earhart Award

Whereas, Civil Air Patrol was founded on December 1, 1941 by a fledgling group of volunteers led by civilian pilots who flew their own planes to support America's efforts in World War II; and

Whereas, since that auspicious beginning, a modern-day Civil Air Patrol has emerged to become one of the nation's premier humanitarian service organizations, saving lives, finding those who are lost, helping fellow citizens in times of disaster, working to keep America safe, preparing future leaders, offering aerospace education to inspire our nation's youth and honoring our military; and

Whereas, the Civil Air Patrol provides exceptional educational and growth opportunities for more than 26,000 youth through its cadet program; and

Whereas, the exalted Amelia Earhart Award honors the late Amelia Earhart, aviatrix, advocate, and pioneer, who set many records for women aviators in aviation's infancy, and who was lost while attempting to be the first woman to circumnavigate the globe and is the second major milestone in the Civil Air Patrol's Cadet Program,

Whereas, the Amelia Earhart Award is achieved after passing a comprehensive test over the first 12 achievements of the Cadet Program and is earned after the receipt of the General Billy Mitchell Award, the first major milestone in the Cadet Program, which is achieved after completion of the first eleven achievements of the Cadet Program; and

Whereas, Nick Kebodeaux, a cadet member of the Civil Air Patrol Squadron 157, CAWG since September 26, 2006, has received the Amelia Earhart Award and is authorized to wear the grade of Cadet Captain; and

Whereas, Nick's aspirations are to help the community and to mentor others and is currently enrolled at the American Academy McAllister Institute of Funeral Service.

Now, Therefore, Be It Resolved that the Sonoma County Board of Supervisors hereby honors and congratulates Cadet Captain Nick on receiving the Amelia Earhart Award, and wishes him well in his future endeavors.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

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

To: Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Probation Department

Staff Name and Phone Number:

David Koch (707) 565-2168

Supervisorial District(s):

Countywide

Title: Acknowledging Pretrial, Probation, and Parole Supervision Week in Sonoma County

Recommended Actions:

The Board of Supervisors will present a Gold Resolution, adopted on June 24, 2014, proclaiming July 13-19, 2014 as Pretrial, Probation, and Parole Supervision Week in Sonoma County.

Executive Summary:

At their June 24, 2014 meeting, the Board of Supervisors adopted a resolution proclaiming July 13-19, 2014 as Pretrial, Probation, and Parole Supervision Week in Sonoma County. Today, the Board will receive a presentation acknowledging the work of Probation professionals and their contributions to the safety and well-being of the citizens of Sonoma County. This report provides that opportunity.

The Sonoma County Probation Department is charged with the responsibility of community protection and offender rehabilitation. This is accomplished through mandated services to the court (specifically, investigative reports and recommendations), and departmental efforts to guide youth and adult offenders under the Department's supervision. The Department focuses services on higher risk offenders, and specialized services for specific populations; such as gang members, sex offenders and mentally ill offenders, and provides intensive supervision and referrals to appropriate therapeutic services.

The Probation Department consists of two major divisions: Probation Services and Institutions. Probation Services include investigations, diversion, intervention efforts, programming, and supervision of adult defendants/offenders and delinquent youth. The Institutions Division includes Juvenile Hall, Probation Camp, and detention alternative programs such as Supervised Adult Crews (SAC). Juvenile Hall provides temporary, safe, and secure detention for youths who are beyond the normal controls of the community. Probation Camp is designed to address anti-social/illegal behavior and thinking patterns in youth, while promoting an acceptance of personal responsibility for their decisions and behavior. Supervised Adult Crews (SAC) is an alternative work program for adult offenders who are assigned to work crews and transported to work sites throughout Sonoma and neighboring counties where they complete meaningful work projects.

The Probation Department is comprised of a committed group of employees whose genuine desire to protect and serve their community is apparent in the hard work and dedication they commit to their jobs every day. Probation employees are doing work that makes a critical difference in the safety of Sonoma County residents. Probation Officers provide supervision and treatment resources to help people, families and communities address the issues and problems that drive crime. Officers also intervene to prevent the recurrence of crime among juvenile delinquents and adult defendants/offenders by supervising them, holding them accountable for behavior, and making referrals to community-based service providers to address behavior driving criminality. Juvenile Correctional staff provide safe and secure housing for youth, while encouraging an environment that not only promotes accountability but also provides care, support and targeted programming. These services assist residents in learning new skills and gaining insight about what brought them into the juvenile justice system and what behavior changes are needed to be successful in the community. Supervised Adult Crew staff possess a diverse set of technical skills and the ability to manage groups of offenders to complete meaningful projects in the community. Lastly, clerical, accounting, and administrative staff competently support all the efforts of the Department, and allow for efficient and effective daily operations and the provision of quality services to the community.

Prior Board Actions:

June 24, 2014: Gold Resolution 14-0270 proclaiming July 13-19, 2014 as Pretrial, Probation, and Parole Supervision Week in Sonoma County.

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Probation Department employees play an important role in the criminal justice system. Recognition of these professionals by the Board of Supervisors ensures their hard work, dedication and commitment to ensuring the safety of Sonoma County residents is honored.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

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

To: Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: 4/5

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Susan Gorin, 565-2241

Supervisorial District(s):

First

Title: Gold Resolution

Recommended Actions:

Adopt a Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Congratulating La Luz Center on being a recipient of the North Bay Leadership Council's 2014 Leaders of the North Bay Award for Empowering the Latino Community

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Not Applicable

Fiscal Summary - FY 13-14

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

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

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



County of Sonoma

State of California

Date: October 31, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Congratulating La Luz Center on being a recipient of the North Bay Leadership Council's 2014 Leaders of the North Bay Award for Empowering the Latino Community

Whereas, La Luz is a non-profit organization dedicated to assisting Sonoma Valley residents and empowering the Latino community, who contribute to the economic, cultural and social wellbeing of the community; and

Whereas, La Luz provides English language training, teaches computer skills, distributes food, hosts medical services, offers crisis counseling, and supports events that celebrate the richness of our multicultural community; and

Whereas, La Luz Center is a family resource center devoted to addressing the ever-changing needs of the Sonoma Valley. Their mission is to empower the community through education, leadership, and self-advocacy. La Luz helps clients realize their full potential, drawing upon our community's wealth of knowledge, skills, and tradition in the process; and

Whereas, La Luz Center's Education Program teaches more than 500 students per year. La Luz offers educational opportunities to high-school students. Each year, they serve as mentors for between five and ten high school students as they work on their senior projects, setting goals and following up with important developments in the projects. La Luz also gives out scholarships to graduating seniors planning on going to college and provides additional educational courses in order to further educate their population; and

Whereas, La Luz Center provides vital family services that host and help over 35,000 individuals. Their services include free healthcare and food distributions in collaboration with other organizations, enrollment assistance in benefits programs such as CalFresh, MediCal and Covered CA and many other services; and

Whereas, La Luz offers a true opportunity to provide the Latino community with the tools to become leaders of the North Bay. Their goal is to create an environment that allows the Latino and non-Latino community to work together on issues important to us all: quality education, a safe place to live, affordable health care, fair pay, and a valued place in the community; and

Now, Therefore, Be It Resolved that the Sonoma County Board of Supervisors commends and honors La Luz Center as the recipient of North Bay Leadership Council's 2014 Leaders of the North Bay Award for Empowering the Latino Community.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

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

To: Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Shirlee Zane
(707) 565-2241

Supervisorial District(s):

Third District

Title: Gold Resolution

Recommended Actions:

Gold Resolution celebrating the 60th anniversary of the Sonoma County Family YMCA

Executive Summary:

Prior Board Actions:

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

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):			
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: September 16, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Celebrating The 60th Anniversary Of The Sonoma County Family YMCA

Whereas, in 1954 the YMCA was founded in Sonoma County to provide Indian Guides and Summer Camp programs to serve youth and families; and

Whereas, at the Y, children and teens learn values and positive behaviors, and can explore their unique talents and interests, helping them realize their potential; and

Whereas, in 1972 aquatic, sports and family programming expanded when a physical education facility was built near downtown Santa Rosa, where it remains today; and

Whereas, in 1993 a 4,000 square foot Activity Center was added to the original complex to build aerobics, fitness, parent-child and childcare programs and to expand outreach; and

Whereas, in 1995 a teaching pool was added, providing the capacity for special water-based activities; and

Whereas, in 2012 the Sonoma County Family Y expanded to include the new Annex, to offer a variety of youth and adult special interest classes; and

Whereas, Ys are for all people of all faiths, races, ages, abilities and incomes; YMCAs' financial assistance policies ensure that no one is turned away for reasons of inability to pay; and

Whereas, the generosity of others is at the core of the Y's existence, and so it is through the support of hundreds of volunteers and public and private donors that the organization has for 60 years been able to foster and give back to the community.

Now, Therefore, Be It Resolved that the Sonoma County Board of Supervisors hereby honors the Sonoma County Family YMCA on the occasion of its 60th anniversary, and recognizes that because of the Y, generations of people in neighborhoods around the county have greater interest in learning and making healthier life choices.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

Resolution #

Date:

Page 2

So Ordered.



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 Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Mike McGuire, 565-3758

Supervisorial District(s):

Fourth District

Title: Gold Resolution

Recommended Actions:

Adopt A Gold Resolution to recognize California Human Development for their contribution to Sonoma County

Executive Summary:

None

Prior Board Actions:

None

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):			
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			
Related Items “On File” with the Clerk of the Board:			



County of Sonoma
State of California

Date: September 5, 2014

Item Number: _____
Resolution Number: _____

4/5 Vote Required

**Resolution of the Board of Supervisors of the County of Sonoma, State of California,
Adopting a Resolution Congratulating California Human Development for Their
Contributions to Sonoma County**

Whereas, founded in Sonoma County in 1967, California Human Development (CHD) exists to create paths and opportunities for those seeking greater self-sufficiency, independence and dignity through education, training, housing and other services, and;

Whereas, guided by a volunteer Board of Directors and assisted by many community partners, their vision for the future is that CHD will continue being a human service organization with a "market" focus, its product being quality, highly successful, innovative services that are designed and developed based on customer needs, and;

Whereas, for 47 years CHD has focused on helping low income and vulnerable populations secure greater opportunities for self sufficiency, and;

Whereas, CHD has served thousands of individuals and families through services which include: workforce development and training to help low income farmworkers; affordable housing for farmworkers and seniors, treatment and recovery for those battling substance abuse, services for the most marginalized workers in our County including the day laborers and;

Whereas, CHD also provides training and education service for individuals with disabilities, weatherization services for Sonoma County homeowners helping them to lower their utility bills, immigration services, and a wide variety of emergency safety net services and;

Whereas, Sonoma County also proudly works with CHD on the Fulton and Healdsburg Day Labor Centers serving over 500 workers, and;

Now, Therefore, Be It Resolved, that the Board of Supervisors hereby recognizes CHD's incredible contribution to Sonoma County through improving the lives of its most vulnerable residents.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

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

To: Sonoma County Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Services Department

Staff Name and Phone Number:

Diane Kaljian – 707-565-5950
Tracy Repp – 707-565-5982

Supervisorial District(s):

County-wide

Title: Falls Prevention Awareness Week

Recommended Actions:

Resolution proclaiming September 23-29, 2014, as "Falls Prevention Awareness Week" in Sonoma County.

Executive Summary:

"National Falls Prevention Awareness Day" is observed annually on the first day of fall in a national effort to promote and increase public awareness about how to prevent and reduce falls among older adults. This year, the first day of fall is September 23. To recognize the importance of this critical issue, the State of California established the first week of fall as "Falls Prevention Awareness Week" beginning in 2008, and by proclaiming September 23-29, 2014 as "Falls Prevention Awareness Week" in Sonoma County, the Area Agency on Aging will continue the national and state-wide effort of increasing education and awareness about the importance of falls prevention among older adults.

Among older adults, falls are the leading cause of injury related deaths and are the most common cause of non-fatal injuries and hospital admissions for trauma. Every 15 seconds, an older adult is seen in an emergency department for a fall-related injury; every 30 minutes, an older adult will die of an injury sustained in a fall, costing \$30 billion in direct health care. In California, 1.3 million older adults are injured due to a fall every year. Forty percent of nursing home admissions are due to injuries related to falls with 40% of those admitted never returning to independent living.

Evidenced based programs have shown that falls are preventable. With a combination of interventions, falls have decreased significantly in the older adult population. Interventions include incorporating a physical activity routine with balance, strength training, and flexibility components, conferring with a health expert about receiving a fall risk evaluation, and creating a safe and supportive home environment.

To reduce the incidents of falls in Sonoma County, the Sonoma County Area Agency on Aging has sponsored an evidence-based fall prevention program since 2005 called "A Matter of Balance" which is

ranked nationally at the highest standard of evidence based programs. "A Matter of Balance" is an eight-week series program, offered county-wide, that assists older adults in raising their confidence about their balance, so they do not fall, and to increase their activity levels.

Since "A Matter of Balance" began in Sonoma County, approximately 1,400 older adults have participated in classes taught in senior centers, affordable housing sites, mobile home parks, and churches. To date, 91 classes and presentations have been provided by volunteers/coaches. There were 37 volunteer coaches, serving 149 seniors in FY 2013-14. Of participants that completed the classes, most feel more comfortable increasing their activity levels and plan to continue exercising. The age range of the participants is 60-102 with the average age of 79 years old.

Falls are responsible for:

- Over 95% of hip fractures
- Approximately 80% of all emergency department visits of 85+ year olds
- 40% of nursing home admissions with 40% of those admitted not returning to independent living
- Developing a fear of falling which causes older adults to limit their activities, reducing mobility and physical fitness, which in turn increases the risk of falling

Injuries from falls are a community health problem with many organizations, agencies, health care providers, and individuals working to raise awareness, provide resources to prevent falls, and help those who suffer from complications from falls maintain their independence and remain safely in their homes. The Sonoma County Area Agency on Aging acknowledges the commitment of these partner agencies, along with the Area Agency on Aging Advisory Council and the many volunteers who make this program possible to help maintain the safety of Sonoma County seniors.

Prior Board Actions:

- 9.10.13 -- Resolution # 13-0333- Proclaiming the week of September 22, 2013 as "Fall Prevention Awareness Week"
- 9.18.12 -- Resolution # 12-0441 - Proclaiming the week of September 22, 2012 as "Fall Prevention Awareness Week"
- 9.20.11 -- Resolution # 11-0494 - Proclaiming the week of September 18, 2011 as "Fall Prevention Awareness Week"
- 9.21.10 -- Resolution # 10-0678 - Proclaiming the Week of September 19, 2010 as "Fall Prevention Awareness Week"

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

Promotion and increased public awareness to prevent and reduce falls reduces the threat to the health and independence of older adults.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

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: September 16, 2014

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Proclaiming September 23-29, 2014 as "Falls Prevention Awareness Week" in Sonoma County**

Whereas, falls are leading cause of injuries requiring hospitalization or treatment and injury-related deaths in California, with the vast majority of these occurring among older individuals; and

Whereas, falls are preventable when education, awareness, and interventions are put in place; and

Whereas, the nationally ranked evidenced based "A Matter of Balance" program is sponsored by the Sonoma County Area Agency on Aging with partner agencies and trained volunteers to raise senior's confidence about their balance and increase their activity levels to reduce risk of falls; and

Whereas, Injuries from falls are a community health problem with many organizations, agencies, health care providers, and individuals working to raise awareness provide resources to prevent falls and help those who suffer from complications from falls; and

Whereas, the first day of fall, September 23, 2014, has been declared "National Falls Prevention Awareness Day"; and

Whereas, by legislative resolution of 2008, California has established the first week of fall as "Falls Prevention Awareness Week";

Now, Therefore, Be It Resolved that the week of September 23-29, 2014 is proclaimed as "Falls Prevention Awareness Week" in Sonoma County.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

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: 7
(This Section for use by Clerk of the Board Only.)

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: September 16, 2014

Vote Requirement: 4/5

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

Staff Name and Phone Number:

Kevin Campbell 547-1921

Supervisorial District(s):

Fifth

Title: Adoption of Easements for the Farmhouse Inn Expansion

Recommended Actions:

Adoption of an Easement and Real Property Purchase Agreement and an Easement Agreement with Bartolomei Tommervik Bartolomei Properties, LLC, and adopt finding and determination that the proposed transfer is for an adequate consideration, will not adversely affect the Water Agency in any respect, and will not have a significant adverse effect on the environment; and authorize taking the following actions:

1. Authorize the Chair to execute Easement and Real Property Purchase Agreement setting forth the terms and conditions for the sale of easements described and granted by the Easement Agreement; and
2. Authorize the Chair to execute an Easement Agreement conveying easement rights to Bartolomei Tommervik Bartolomei Properties, LLC a California limited liability company for deposit into escrow, pending closing in accordance with the terms of the Easement and Real Property Purchase Agreement; and
3. Authorize the General Manager of the Water Agency to execute such documents and take such actions as may be required for the Water Agency to meet its obligations under the terms of the Easement and Real Property Purchase Agreement; and
4. Authorize the General Manager of the Water Agency to file a Notice of Determination with respect to these actions, in accordance with the California Environmental Quality Act.

In accordance with the Water Agency's enabling legislation, the granting of the easement was considered at the Water Agency Board's regularly scheduled September 9, 2014, meeting. With this second consideration, as required by law, the Board may grant the easement to Bartolomei Tommervik Bartolomei Properties, LLC.

Executive Summary:

Joe and Catherine Bartolomei approached the staff of the Water Agency in 2013 regarding their interest in purchasing a portion of property owned by the Water Agency. The Water Agency property is located

next to their business (the Farmhouse Inn) and is needed for expansion of the business (the Project). The Project would result in an expansion of the Farmhouse Inn parking lot and septic system onto the property currently owned by the Water Agency.

After discussions regarding the schedule for the Project, it became apparent that the process required for the Water Agency to sell the Bartolomeis the property required for the Project would not meet the Bartolomeis' timing requirements. A portion of the Water Agency's property contains the Cotati Intertie Pipeline and certain water transmission system facilities, so that a subdivision of the Water Agency property will be required to allow the Bartolomeis to acquire the portion of the property needed for the Project.

To address the timing concerns, Water Agency staff has negotiated a proposal that would result in a granting of easements required for the Project, to be followed by a finding and determination that the fee property underlying the easement areas are no longer necessary to be retained for the uses and purposes of the Water Agency (which is a requirement for the Water Agency to sell property under the Agency's enabling statute). The grant of easements to the Bartolomeis for the Project would be conditioned upon the Bartolomeis agreement to purchase the fee property underlying the easement areas, as that fee property would have no appreciable value to the Water Agency after the Project was constructed. The total easement area to be granted to Bartolomei will consist of 122,602 square feet (2.814-acres). The portion of the easement area that is proposed for sale to Bartolomei as surplus property consists of 112,602 square feet (2.585-acres). The 10,000 square feet portion of easement that will encumber the existing Cotati Intertie Pipeline will remain in fee ownership by the Water Agency.

As consideration for the grant of easement, the Bartolomeis will pay the Water Agency \$250,000. This figure represents a negotiated estimate of the fair market value of the fee underlying the easement areas. Estimating the market value of the fee is difficult given the location of the property and its current use by the Water Agency. Staff has concluded, however, that \$250,000 represents adequate consideration for the property being transferred.

As additional compensation, the Bartolomeis have agreed to reimburse the Water Agency for the actual costs that have been and will be incurred by Water Agency staff to negotiate and process transfer of the easements and the later sale of the underlying fee property. These costs are estimated to be \$60,000. The Bartolomeis will also agree to undertake all actions necessary to effect a subdivision of the property, so that the specific portions underlying the easements may be sold as surplus. Finally, the Bartolomeis will provide insurance coverage (including environmental contamination insurance) to protect the Water Agency during the period between the grant of easements and the sale of the underlying fee property.

The Easement and Real Property Purchase Agreement (on file with the Clerk) provides for the creation of an Escrow, with a third party of the Bartolomei's choosing, to hold the executed Easement Agreement and payment of the Purchase Price required for the Easement and Real Property Purchase Agreement for dispersal at Closing. In addition to the execution of these Documents by the Chair of the Board, this item requests the Authority for the General Manager to execute such documents and take such actions as may be required for the Water Agency to meet its obligations under the terms of the Easement and Real Property Purchase Agreement. This may include escrow agreements with the Escrow Agent, Escrow

Instructions and such other incidental documents that are commonly required for real estate transactions of this nature.

Water Agency staff has reviewed the plans for the Project and has concluded that the improvements proposed for the Project, and the ensuing uses of the Water Agency property will not adversely affect the Water Agency in any respect.

CEQA:

The Sonoma County Permit and Resource Management Department (County) has completed environmental documentation in accordance with the California Environmental Quality Act (CEQA) for the Project. The County prepared an Initial Study/Mitigated Negative Declaration (IS/MND), which addresses the potential impacts related to the Project and measures to mitigate adverse effects of the Project. The County filed a Notice of Determination for the Project on August 7, 2014.

Approval of this item will result in a finding by the Board, on behalf of the Water Agency as a “responsible agency” under CEQA, that with the changes and alterations to the project adopted and required by, and within the jurisdiction and responsibility of, the Sonoma County Permit and Resource Management Department that were incorporated into the project in the IS/MND, the project will not have a significant adverse effect on the environment.

The Water Agency has prepared a Notice of Determination in accordance with CEQA, the State CEQA Guidelines, and the Water Agency’s Procedures for the Implementation of CEQA. As a Responsible Agency under CEQA, Water Agency staff considered the MND as prepared by the County. With the incorporation of the mitigation measures identified in the MND, the Project would not have an adverse impact upon the environment. Granting of the easement will not adversely affect the Water Agency’s ability to carry out its water supply responsibilities and will not have a significant adverse effect on the environment.

GENERAL PLAN CONSISTENCY:

The staff of the Sonoma County Permit and Resource Management Department have determined that the granting of easements under the Easement Agreement for the Project comply with the requirements of Government Code, Section 65402, for General Plan consistency.

WATER AGENCY STAFF RECOMMENDATION:

Water Agency staff recommends the Adoption of the Easement and Real Property Purchase Agreement and Easement Agreement in the forms presented to the Board for your consideration.

Prior Board Actions:

9/9/14 Consideration of the Easement and Real Property Purchase Agreement and an Easement Agreement with Bartolomei Tommervik Bartolomei Properties, LLC

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

This item supports the County goal of Economic and Environmental Stewardship by helping a member of the community to increase the economic potential of their existing business.

Water Agency Organizational Goals and Strategies, Goal 3: Increase outreach to community and

employees.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 60,000	Water Agency Gen Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 60,000
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 60,000	Total Sources	\$ 60,000

Narrative Explanation of Fiscal Impacts (If Required):

Negotiations with Joe and Catherine Bartolomei, obtaining the Board's approval for execution of Easement and Real Property Purchase Agreement and support required to close a sale transaction is presently estimated to cost the Water Agency \$60,000. Bartolomei has agreed to pay the Water Agency the actual cost of the staff time required to do so. The sale of the Easements will generate \$250,000 in sale proceeds. The Water Transmission Fund will incur the expenses and receive the reimbursement and revenues.

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:

1. Easement and Real Property Purchase Agreements (4)
2. Easement Agreement (4)
3. Notice of Determination (1 copy)



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 Directors, Sonoma County Water Agency

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Ann DuBay / 524-8378

Supervisorial District(s):

Fifth

Title: Gold Ridge Resource Conservation District Watershed Program

Recommended Actions:

Authorize Chair to execute the first amended agreement with Gold Ridge Resource Conservation District increasing the amount by \$11,000, expanding the scope of work to include salmon habitat restoration, and extending the agreement term by six months for a new not-to-exceed agreement total of \$55,200 and end date of June 30, 2015.

Executive Summary:

This item requests approval for the Chair to execute an amended funding agreement with Gold Ridge Resource Conservation District (adds \$11,000 to a new salmon habitat restoration task and six months to the term for new not-to-exceed total of \$55,200 through June 30, 2015).

HISTORY OF ITEM/BACKGROUND

In 2001 the Board of Directors (Board) approved and authorized the Chair to execute the first of several agreements between the Sonoma County Water Agency (Water Agency) and Gold Ridge Resource Conservation District (Gold Ridge) for funding of the Russian River Watershed Program (Program). The intent of the agreement was to allow the Water Agency to assist Gold Ridge by providing partial funding for Gold Ridge's efforts to improve watershed health to the benefit of anadromous fish species. With the Board's authorization, the Water Agency and Gold Ridge have regularly entered into this type of funding agreement over a period of years.

The subject agreement is the most recent in the series of related agreements. Under the subject agreement, Water Agency provides funding for Gold Ridge to continue the activities described above through the following tasks:

1. Prepare and disseminate on-line and paper educational bulletins for landowners and interested stakeholders.

2. Coordinate Watershed Symposium; other tasks related to landowner and community outreach and Youth Ecology Corps.
3. Assess habitat conditions in the Green Valley Creek and other watersheds and produce a stream monitoring data and related Habitat Enhancement Plan to prioritize restoration actions for the protection and improvement of critical Coho habitat.
4. Implement priority road erosion upgrades on five properties along Green Valley and Purrington creeks, increasing habitat for salmon and native vegetation.
5. Perform Upper Green Valley Creek sediment source assessment, including a technical report.

AMENDED AGREEMENT

The proposed amended agreement adds a salmon habitat restoration task to the scope of work and an additional six months to complete the work. The Water Agency funds will serve as matching funds to supplement grant funding Gold Ridge receives which supports salmon habitat enhancement in the Russian River Watershed, including in Dutch Bill Creek and Green Valley Creek. This work includes, but is not limited to, adding habitat structures to tributaries, reducing fine sediment delivery to streams, revegetation, removal of fish passage barriers, and implementing water storage and conservation projects that increase summer instream flows.

The cost of additional services adds \$11,000 for new not-to-exceed total of \$55,200; the new term end date is June 30, 2015.

Prior Board Actions:

- | | |
|------------|---|
| 03/19/2013 | Board Chair executed the Agreement for Funding of Gold Ridge Resource Conservation District Russian River Watershed Program (2013/2015) between the Sonoma County Water Agency and Gold Ridge Resource Conservation District, a 2-year agreement in the amount of \$44,200. |
| 12/14/2010 | Board Chair executed the Agreement for Funding of Gold Ridge Resource Conservation District Russian River Watershed Program (2011/2012) between the Sonoma County Water Agency and Gold Ridge Resource Conservation District, a 2-year agreement in the amount of \$37,000. |
| 06/09/2009 | Board Chair executed the Agreement for Funding of Gold Ridge Resource Conservation District Russian River Watershed Program (2009/2010) between the Sonoma County Water Agency and Gold Ridge Resource Conservation District, a 2-year agreement in the amount of \$50,000. |
| 04/10/2007 | Board Chair executed the Agreement for Funding of Gold Ridge Resource Conservation District Russian River Watershed Program (2007/2008) between the Sonoma County Water Agency and Gold Ridge Resource Conservation District, a 2-year agreement in the amount of \$53,000. |
| 09/24/2004 | Board Chair executed the Agreement for Funding of Gold Ridge Resource Conservation District Russian River Watershed Program between the Sonoma County Water Agency and Gold Ridge Resource Conservation District, a 2-year agreement in the amount of \$30,000. |
| 01/15/2002 | Board Chair executed the Agreement for Funding of Gold Ridge Resource Conservation District's Russian River Watershed Efforts between the Sonoma County Water Agency and Gold Ridge Resource Conservation District, a 2-year agreement in the amount of \$50,000. |

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

County Goal 2: Economic and Environmental Stewardship: The agreements enhance the environment through outreach, education and water quality monitoring of the Russian River watershed.

Water Agency Organizational Goals and Strategies, Goal 3: Increase outreach to community and employees.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 11,000	Water Agency Gen Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other Russian River Project Fund/Flood Zone 1A	\$ 11,000
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 11,000	Total Sources	\$ 11,000

Narrative Explanation of Fiscal Impacts (If Required):

Budgeted amount of \$11,000 is available from FY 2014/2015 appropriations for the Russian River Project Fund/Flood Zone 1A fund. No additional appropriation is required.

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:

None

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

Amended Agreement (4 copies)



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 and the Board of Directors of the Sonoma County Water Agency, the Russian River County Sanitation District and the Sonoma Valley County Sanitation District

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Auditor-Controller Treasurer-Tax Collector

Staff Name and Phone Number:

Randy Osborn (707) 565-3294

Supervisorial District(s):

Title: Fiscal Year 2014-15 Tax Rates

Recommended Actions:

Approve Concurrent Resolution of the Board of Supervisors of the County of Sonoma, the Board of Directors of the Sonoma County Water Agency, and the Board of Directors of the Russian River County Sanitation District setting the Fiscal Year 2014-15 tax rates for all debt service funds within their jurisdictions.

Approve Resolution of the Board of Supervisors, County of Sonoma, setting the Fiscal Year 2014-15 unitary, operating non-unitary, and railroad unitary tax rate for voter approved indebtedness.

Approve Resolution of the Board of Directors of the Sonoma Valley County Sanitation District setting the Fiscal Year 2014-15 tax rates for all debt service funds within its jurisdiction.

Executive Summary:

On or before October 3 of each year, the Board sets Tax Rates for Debt Service Funds within Special Districts governed by the Boards of Directors (Sonoma County Water Agency and Sanitation Zones, Russian River and Sonoma Valley County Sanitation Districts), Special Districts governed by Local Boards and applicable School Districts. These rates are levied to provide taxing agencies with the necessary revenue to pay the annual principal and interest charges on voter-approved indebtedness. Once approved by the Board of Supervisors, the rates are used to determine the ad valorem (percentage of value) charge on taxable secured parcels within the boundary of applicable debt service agencies. The tax bill amount is determined by multiplying the tax rate by one percent of the assessed property value of each taxable parcel. As an example, a tax rate of 0.0500 will result in a charge of \$50 per \$100,000 of assessed value.

Occasionally, the rates will fluctuate based on scheduled increases in principal and interest payments, changes to assessed values and adjustments to reserve requirements. In order to keep the Tax Rates from fluctuating significantly, fund balance may be utilized over future periods in accordance with Section 15250 of the Education Code, State of California.

In the case of multi-county School Districts, the Board of Supervisors adopts the rates equivalent to those approved by the Board of Supervisors of the governing counties. Tax Rates from these counties are unavailable at this time. Approval of this resolution package will set Tax Rates equivalent to those eventually approved by the

governing bodies.

The Board of Supervisors also annually adopts a tax rate to cover unitary, operating non-unitary and railroad unitary voter approved indebtedness. Unitary, operating non-unitary, and railroad unitary are classifications of land, improvements, and personal property assessed by the State Board of Equalization. Unitary includes an integrated system of property items owned or leased by the state assessee and used in its primary operation such as the transmission of information by cellular or telephone or the transmission or distribution of electricity. Railroad unitary includes rights-of- way, easements for rights-of-way, and railroad property which is being leased to others. Operating non-unitary property is owned by a state assessee, but not used or needed in its primary operation. The unitary debt service tax rate is calculated by the Auditor-Controller based on an average of all the debt service rates for the unitary, operating non-unitary, and railroad unitary (utility) tax roll, as required by Section 100 of the Revenue and Taxation Code. The debt service burden is distributed equally between the utility companies.

Calculations for these rates are on file at the Auditor-Controller-Treasurer-Tax Collector's office.

Prior Board Actions:

Each and every year, the Board sets rates for debt service funds and the unitary, operating non-unitary, and railroad unitary tax roll.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

This tax rate approval process has no impact on revenues currently budgeted in Fiscal Year 2014-15.

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Resolutions approving FY 2014-15 tax rates and Exhibit "A".			
Related Items "On File" with the Clerk of the Board:			



County of Sonoma
State of California

Date: September 16, 2014

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, And the Board of Directors of the Russian River County Sanitation District Setting The Fiscal Year 2014-15 Tax Rates For All Debt Service Funds Within Their Jurisdictions.

Whereas, the Board is required to set the Fiscal Year 2014-15 Tax Rates for all Debt Service Funds within the Special Districts governed by the Board, Special Districts governed by Local Boards and applicable School Districts, and

Whereas, the Tax Rates necessary to produce an amount sufficient to cover Debt Service requirements are listed in Exhibit "A",

Now, Therefore, Be It Resolved and ordered by the Board of Supervisors of the County of Sonoma, the Board of Directors of the Sonoma County Water Agency, and the Board of Directors of the Russian River County Sanitation District that the Tax Rates listed in Exhibit "A" be used as the Fiscal Year 2014-15 Tax Rates for all Debt Service Funds within their jurisdictions, in accordance with Section 29100 of the Government Code, State of California.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.



County of Sonoma
State of California

Date: September 16, 2014

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Setting The Fiscal Year 2014-15 Unitary, Operating Non-Unitary, And Railroad Unitary Tax Rate For Voter Approved Indebtedness.

Whereas, the Board of Supervisors is required to set the Fiscal Year 2014-15 Tax Rate for the Unitary, Operating Non-Unitary, and Railroad Unitary Tax Roll, and

Whereas, the Tax Rate necessary to produce an amount sufficient to meet the debt service requirements from the Unitary, Operating Non-Unitary, and Railroad Unitary Tax Roll is indicated below:

<u>DESCRIPTION</u>	<u>Last Year's (13-14) Tax Rate</u>	<u>This Year's (14-15) Tax Rate</u>
Unitary, Operating Non-Unitary, & Railroad Unitary Debt Service	.4956	.5013

Now, Therefore, Be It Resolved and ordered by the Board of Supervisors of the County of Sonoma, that the above tax rate be used as the Fiscal Year 2014-15 tax rate for Unitary, Operating Non-Unitary, and Railroad Unitary Tax Roll voter approved indebtedness, in accordance with Section 29100 of the Government Code, State of California.

Supervisors:

Gorin: Zane: McGuire: Carrillo: Rabbitt:

Ayes: Noes: Absent: Abstain:

So Ordered.



County of Sonoma
State of California

Date: September 16, 2014

Item Number: _____

Resolution Number: _____

2/3 Vote Required

Resolution Of The Board Of Directors Of The Sonoma Valley County Sanitation District, State Of California, Setting The Fiscal Year 2014-15 Tax Rates For All Debt Service Funds Within Its Jurisdiction.

Whereas, the Board of Directors is required to set the Fiscal Year 2014-15 Tax Rates for all debt service funds within its jurisdiction, and

Whereas, the Tax Rate necessary to produce an amount sufficient to cover debt service requirements is indicated below:

<u>Fund</u>	<u>DESCRIPTION</u>	<u>Last Year's (13-14) Tax Rate</u>	<u>This Year's (14-15) Tax Rate</u>
43304	Sonoma Valley Sanitation- Glen Ellen Bonds	.0110	.0110

Now, Therefore, Be It Resolved and ordered by the Board of Directors, that the above tax rate be used as the Fiscal Year 2014-15 tax rate for the Sonoma Valley County Sanitation District in accordance with Section 29100 of the Government Code, State of California.

Directors:

Rouse:

Gorin:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

FISCAL YEAR 2014-15 DEBT SERVICE TAX RATES

1. Under Board of Supervisors Jurisdiction:

<u>Fund Code</u>	<u>Description</u>	<u>Last Year's (13-14) Tax Rate</u>	<u>This Year's (14-15) Tax Rate</u>
<u>SCHOOL DISTRICT BONDS:</u>			
93705	Bellevue Elem 1996	.0485	.0485
93710	Bellevue Elem 2008	.0162	.0130
93715	Bellevue Elem 2008 QSCB	.0088	.0088
93717	Bellevue Elem 2014	.0000	.0180 (a)
93725	Bennett Valley Elem 1995	.0150	.0150
93730	Bennett Valley Elem 2010	.0228	.0290 (a)
93735	Forestville Elem 2001	.0410	.0410
93740	Forestville Elem 2010	.0259	.0255
93745	Gravenstein Un Elem 1997	.0140	.0135
93746	Gravenstein Un Elem 2012	.0300	.0285
93750	Guerneville Elem 2012	.0300	.0270
93755	Harmony Un Elem 1997	.0130	.0110
93760	Horicon Elem 1996	.0290	.0290
93765	Liberty Elem 2004	.0300	.0300
93770	Mark West Elem 2002	.0250	.0250
93775	Mark West Elem 2010	.0100	.0100
93780	Oak Grove Elem 1991	.0210	.0210
93785	Old Adobe Elem 1995	.0280	.0270
93790	Old Adobe Elem 2012	.0240	.0270 (a)
93795	Petaluma Elem 1991	.0505	.0420
93796	Petaluma Elem 2014	.0000	.0200 (a)
93800	Piner-Olivet Elem 1995	.0620	.0620
93805	Piner-Olivet Elem 2010	.0260	.0240
93810	Rincon Valley Elem 2004	.0235	.0235
93812	Rincon Valley Elem 2014	.0000	.0290 (a)
93811	Roseland Elem 2012	.0280	.0230
93820	Santa Rosa Elem 1997	.0105	.0100
93815	Santa Rosa Elem 2002	.0150	.0140
93825	Sebastopol Elem 2001	.0370	.0370
93830	Twin Hills Elem 1999	.0305	.0290
93840	Twin Hills Elem 2010 CREB	.0045	.0040
93845	Wilmar Un Elem 2012	.0285	.0250
93860	Wright Elem 1992	.0285	.0285
93865	Wright Elem 2012	.0240	.0300 (a)
93870	West So Co High 1996	.0138	.0135
93880	West So Co High 2010 CREB	.0005	.0005
93875	West So Co High 2010	.0016	.0015
93890	Healdsburg Unified 1994	.0400	.0400
93885	Healdsburg Unified 2002	.0060	.0060
93895	Healdsburg Unified 2002 SFID	.0340	.0340
93905	Petaluma High 1992	.0360	.0360
93906	Petaluma High 2014	.0000	.0290 (a)
93910	Santa Rosa High 1991	.0350	.0325
93915	Santa Rosa High 2002	.0200	.0190
93920	Cloverdale Unified 1999	.0065	.0060
93925	Cloverdale Unified 2010	.0271	.0330 (a)
93930	Cotati-Rohnert Park Unified 1990	.1075	.1150 (b)
93931	Cotati-Rohnert Park Unified 2014	.0000	.0490 (a)
93935	Geyserville Unified 1995	.0025	.0025
93940	Geyserville Unified 2008	.0140	.0140
93950	Sonoma Valley Unified 1994	.0465	.0430
93955	Sonoma Valley Unified 2010	.0055	.0055
93960	Windsor Unified 1994	.0776	.0730
93965	Windsor Unified 2008	.0490	.0470
93970	Windsor Unified 2008 QSCB	.0115	.0125 (b)
93980	Sonoma County Junior College 2002	.0188	.0180

Fund Code	Description	Last Year's (13-14) Tax Rate	This Year's (14-15) Tax Rate
81185	Point Arena High (Mendocino)	.0200	- (c)
81190	Calistoga Joint Unified - 1995 (Napa)	.0087	- (c)
81190	Calistoga Joint Unified - 2010 (Napa)	.0313	- (c)
81190	Napa Valley Community College (Napa)	.0266	- (c)
81195	Shoreline Unified - 2011 (Marin)	.0065	- (c)
81195	Shoreline Unified - 2009 (Marin)	.0328	- (c)

SPECIAL DISTRICTS GOVERNED BY LOCAL BOARDS:

76353	Windsor Water General Obligation Bonds	.0001	.0001
77102	Graton Community Services-Sanitation	.0100	.0100

2. Under Board of Directors Jurisdiction:

WATER AGENCY AND SANITATION ZONES:

34105	SCWA - Warm Springs Dam/Russian River Project	.0070	.0070
44515	SCWA - Sanitation - Penngrove	.0090	.0090
44615	SCWA - Sanitation - Geyserville	.0190	.0180

COUNTY SANITATION DISTRICTS:

43204	Russian River Sanitation	.0170	.0160
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- (a) New or increased tax rate needed to cover requirements of new bond issue.
- (b) Increase in tax rate needed to cover increases in principal and interest payments.
- (c) Tax rate used will be equivalent to the one approved by the Board of Supervisors of the governing county.



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: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor David Rabbitt, 565-2241

Supervisorial District(s):

Second

Title: Disbursement of FY 14-15 Second District Advertising Funds.

Recommended Actions:

Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for FY 14/15: Petaluma Wine, Jazz & Blues Festival for the Petaluma Music Festival event, \$1,500.

Executive Summary:

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor’s discretion. The Second District has reviewed applications and wishes to recommend the following FY 14/15 advertising grant award:

- 1.) Petaluma Wine, Jazz & Blues Festival for advertising and promotion of the annual Petaluma Music Festival; grant award of \$1,500.

Funds will be distributed upon approval of these awards by Board and execution of Advertising grant agreement contract with the entity. The contracts will be executed by the County Administrator. The contracts will require the County logo on promotional materials produced using the grant award and will require submission to the District Director and County Administrator’s Office of advertising and promotional activity receipts up to the total amount of the grant award.

Prior Board Actions:

9/9/14 - Awarded FY 14/15 Category E grants.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth.

Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 1,500		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$ 1,500
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 1,500	Total Sources	\$ 1,500
Narrative Explanation of Fiscal Impacts (If Required):			
Funds are included in the FY 14/15 budget.			
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:			
FY 14/15 Grant Award Agreement Template			
Related Items "On File" with the Clerk of the Board:			
None.			

AGREEMENT

THIS AGREEMENT made and entered into this ___ day of June, 2014, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the Sonoma County Farm Trails, (hereinafter ADVERTISER).

WITNESSETH:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under **Category E** – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2014 to June 30, 2015, COUNTY shall pay to ADVERTISER the total sum of **\$XXX.00** (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2014 and June 30, 2015. Receipts must be remitted to the COUNTY by July 31, 2015. If receipts are not submitted by July 31, 2015, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2015. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2014 to June 30, 2015:

As set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the county's program coordinator.

Additionally, any Advertising conducted utilizing funds provided under this agreement must identify the "County of Sonoma – Board of Supervisors" as a sponsor. ADVERTISER may also include the Sonoma County seal logo on materials, although the seal may not replace the language noted in this section.

4. ADVERTISER agrees to keep complete books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
 - a. ADVERTISER 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 Advertiser, that arise out of, pertain to, or related to Advertiser'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 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.
 - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. 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 C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.
13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event either party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the right or remedy of either party, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER 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.
17. AIDS Discrimination: ADVERTISER 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.
18. 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.
19. 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. ADVERTISER expressly recognizes 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 ADVERTISER 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 ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER 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.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: _____

By _____
County Administrator, authorized by the
Chair, Board of Supervisors

DATE: _____

By _____
(Enter name of Grantee)



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: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Supervisor Efren Carrillo, 565-2241

Supervisorial District(s):

Fifth

Title: Amendment to FY 13/14 Fifth District Advertising Fund Contract.

Recommended Actions:

Amend the FY 13-14 Advertising Program grant contract for advertising and promotion of the Sonoma County Pride event 2014 to correctly reflect that the contract is between the County and the Russian River Chamber of Commerce. Award amount and term will remain the same.

Executive Summary:

Category E – Local Events and Organizations of the Advertising and Promotions Program Policy provides grant allocations to each Supervisor, to be distributed at the Supervisor’s discretion. On June 10, 2014, the Board granted a FY 13/14 advertising grant award in the amount of \$1,000 for advertising and promotion of the Sonoma County Pride 2014 event. The event was sponsored by the Russian River Chamber of Commerce however the agenda item incorrectly noted the entity executing the contract as Sonoma County Pride. The Board is being asked to amend the contract correcting the name of the entity to Russian River Chamber of Commerce.

Funds will be distributed upon Board approval of the amended contract and execution of Advertising grant agreement contract with the entity. The contract will be executed by the County Administrator.

Prior Board Actions:

June 10, 2014 – FY 2013-14 Advertising award granted for promotion of the Sonoma County Pride 2014 event.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Grant funds allow non-profit partners to advertise and grow local events and encourage tourism thereby promoting economic development and growth.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

Funds are included in the FY 13/14 budget.

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:

Amended FY 13/14 Grant Award Agreement

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

None.

AGREEMENT

THIS AGREEMENT made and entered into this 10 day of June, 2014, by and between the COUNTY OF SONOMA, (hereinafter COUNTY) and the Russian River Chamber of Commerce - Sonoma County Pride Event, (hereinafter ADVERTISER).

WITNESSETH:

WHEREAS, ADVERTISER has represented that it is aware of and understands the provisions and requirements of Government Code Section 26100 and COUNTY'S "Advertising and Promotions Program Policy" for the expenditure of funds appropriated under Section 26100, and that any expenditure made by ADVERTISER will be in compliance with Section 26100, the Advertising and Promotions Policy, and this Agreement, and

WHEREAS, COUNTY'S Board of Supervisors has relied on those representations in authorizing the execution of this Agreement, and

WHEREAS, ADVERTISER has applied for and received funding under Category E – Local Events and Organizations category of the Advertising and Promotions Program Policy, and

WHEREAS, ADVERTISER is ready, willing and able to perform the services herein provided to be performed.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. During the fiscal year July 1, 2013 to June 30, 2014, COUNTY shall pay to ADVERTISER the total sum of \$1,000.00 (hereinafter "Advertising Funds"), payable upon execution of this contract.
2. ADVERTISER must submit to the COUNTY receipts of activities performed utilizing the Advertising Funds. Activities must take place between July 1, 2013 and June 30, 2014. Receipts must be remitted to the COUNTY by July 31, 2014. If receipts are not submitted by July 31, 2014, repayment will be required of grant dollars not supported by advertising expense receipts by August 15, 2014. Failure to submit required receipts may jeopardize ability to receive future grant awards.
3. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during the fiscal year July 1, 2013 to June 30, 2014:

As set forth in the attached, Exhibit A (application for funding). In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the county's program coordinator.

4. ADVERTISER agrees to keep complete books and records, and to make available and submit to audit by COUNTY all of ADVERTISER'S books, records, and financial statements upon COUNTY'S request and without prior notice.
5. ADVERTISER warrants to COUNTY that any Advertising funds paid to ADVERTISER by COUNTY pursuant to this agreement shall be expended for only those purposes authorized by Section 26100 of the Government Code of the State of California and the COUNTY's Advertising and Promotions Policy.
6. Travel expenses, such as transportation and lodging, and/or meal costs, are not allowable advertising and promotions expenses. Advertising Funds may not be used to purchase or lease fixed assets.
7. ADVERTISER agrees to submit copies of all published materials to the County Administrator's Office.
8. Indemnification:
 - a. ADVERTISER 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 Advertiser, that arise out of, pertain to, or related to Advertiser'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 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.
 - b. ADVERTISER shall be liable to COUNTY for any loss or damage to COUNTY property arising from or in connection with ADVERTISER's performance hereunder.
9. Non-Discrimination: ADVERTISER shall comply with all applicable federal, state and local laws, rules and regulations in regard to non-discrimination in employment because of race, ancestry, color, sex, age, national origin, religion, marital status, medical condition, or handicap, including the provisions of Article II of Chapter 19 of the Sonoma County Code, prohibiting discrimination in housing, employment, and services because of AIDS or HIV infection.
10. Assignment/Delegation: ADVERTISER shall not assign, sublet, transfer or delegate any interest in or duty under this agreement without written consent of COUNTY, and no assignment shall be of any force or effect whatsoever unless and until so consented.
11. 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 C.C.P. Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.
12. Termination: At any time, with or without cause, COUNTY shall have the right in its sole discretion, to terminate this Agreement by giving written notice to ADVERTISER. In the event of such termination, COUNTY shall pay ADVERTISER for services rendered satisfactorily and in

good faith to such date in an amount which bears the same ratio to the total fees specified in the Agreement as the services satisfactorily rendered hereunder by ADVERTISER bear to the total services otherwise required to be performed for such total fee; provided, however, that there shall be deducted from such amount the amount of damage, if any, sustained by COUNTY by virtue of the breach of the Agreement by ADVERTISER.

13. Repayment: If ADVERTISER fails to comply with the rules and requirements of the Advertising and Promotions Program Policy or the specific Category requirements under which the ADVERTISER received funds, as specified, then ADVERTISER shall, within ten days of receipt of notice of such failure by COUNTY, return all grant funds provided by COUNTY under this agreement; provided, however, that COUNTY may, in its sole discretion, allow ADVERTISER to retain some or all grant funds if COUNTY determines that the failure was inadvertent or immaterial, or that ADVERTISER has taken action to ensure that the failure will not reoccur.
14. Conflict of Interest: ADVERTISER covenants that it presently has no interest and shall not acquire any interest, direct, or indirect, which would conflict in any manner or degree with the performance of its services hereunder. ADVERTISER further covenants that in the performance of this contract no person having any such interest shall be employed.
15. Attorneys' Fees: In the event either party brings an action or proceeding for damages arising out of the other's performance under this Agreement or to establish the right or remedy of either party, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs as a part of such action or proceeding.
16. Statutory Compliance: ADVERTISER 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.
17. AIDS Discrimination: ADVERTISER 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.
18. 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.
19. 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. ADVERTISER expressly recognizes 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 ADVERTISER 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 ADVERTISER shall be entitled to no compensation whatsoever for the performance of such work. ADVERTISER 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.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

COUNTY OF SONOMA

DATE: _____

By _____
County Administrator, authorized by the
Chair, Board of Supervisors

DATE: _____

By _____
Russian River Chamber of Commerce



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 12
(This Section for use by Clerk of the Board Only.)

To: Board of Directors, Sonoma County Water Agency

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Veronica Ferguson, (707) 565-2431

Supervisorial District(s):

All

Title: Personal Services Agreement – General Manager, Sonoma County Water Agency

Recommended Actions:

Authorize the Chair to execute the First Amendment to the Personal Services Agreement with Grant Davis as General Manager, Sonoma County Water Agency, to extend for an additional three years from March 1, 2015 through March 1, 2018.

Executive Summary:

Approve amendment to Personal Services Agreement for Grant Davis as General Manager for the Sonoma County Water Agency to extend his term for three years (March 1, 2015 through March 1, 2018).

Prior Board Actions:

March 1, 2011: Entered into Personal Services Agreement with Grant Davis as General Manager, Sonoma County Water Agency.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

This position oversees the Sonoma County Water Agency, whose role in providing water for county residents and disposing of wastewater is critical for the economic well-being and environmental health of the County.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

Ongoing annualized salary associated with this position is \$213,804 and is incorporated in the FY 14-15 budget.

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

1st Amendment of Agreement for Personal Services.

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

Agreement for Personal Services.

FIRST AMENDMENT TO AGREEMENT FOR PERSONAL SERVICES

GENERAL MANAGER SONOMA COUNTY WATER AGENCY

This First Amendment to the Agreement for Personal Services by and between, the Sonoma County Water Agency (hereinafter "AGENCY") and GRANT DAVIS (hereinafter called "EMPLOYEE") is entered into this 16th day of September, 2014.

WITNESSETH:

WHEREAS, AGENCY and EMPLOYEE entered into a personal services agreement (the "Agreement") for the position of General Manager Sonoma County Water Agency dated March 1, 2011; and,

WHEREAS, the Agreement provides for a term of employment for a period of four (4) years, commencing on March 1, 2011, and ending on March 1, 2015; and,

WHEREAS, the Parties desire to further extend the Agreement for an additional three years, ending March 1, 2018.

NOW, THEREFORE, BE IT AGREED by and between the Parties that the term of employment provided for in the Agreement shall be extended for a period of three years ending on March 1, 2018. All other provisions in the Agreement shall remain in full force and effect.

ATTEST:

SONOMA COUNTY WATER AGENCY

Clerk of the Board

By _____
Chair, Board of Directors

EMPLOYEE

Grant Davis



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: Sonoma County Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): County Administrator

Staff Name and Phone Number:

Veronica Ferguson (707) 565-2241

Supervisorial District(s):

All

Title: Approve resolution reappointing Bruce Goldstein to the Office of County Counsel, for the four year term commencing January 2, 2015, and ending January 12, 2019.

Recommended Actions:

Approve resolution reappointing Bruce Goldstein to the Office of County Counsel, for the four year term commencing January 2, 2015 (Gov't. Code Section 27640).

Executive Summary:

Under California Government Code section 27641 the County Counsel is appointed for a four year term. The purpose of this action, as stated in the attached Resolution, is to reappoint Bruce Goldstein as the Sonoma County Counsel, for the four year term commencing on January 2, 2015, and ending on January 12, 2019.

Prior Board Actions:

The Board approved a Resolution dated September 14, 2010 appointing Bruce Goldstein to the office of County Counsel, for the four year term commencing on January 4, 2011, and ending January 2, 2015.

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Having a County Counsel is essential to maintaining a professionally managed county organization.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

Annualized salary associated with this action to reappoint is \$205,727 and could result in an additional cost of \$5,143 if the incumbent chooses to contribute the maximum amount to the Incentive Retirement Savings Plan. These costs are covered in the adopted FY 14-15 budget.

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:

Resolution of the Board of Supervisors of the County of Sonoma.

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

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County of Sonoma
State of California

Date: September 16, 2014

Item Number: _____

Resolution Number: _____



4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Reappointing Bruce Goldstein to the Office of County Counsel, for the four year term
commencing January 2, 2015 (Government Code Section 27640, et seq.)**

Whereas, the Office of County Counsel will become vacant on January 2, 2015, at the conclusion of the term of County Counsel Bruce Goldstein; and

Whereas, Bruce Goldstein has completed his first term as County Counsel with distinction;

Now, Therefore, Be It Resolved that, pursuant to California Government Code section 27640 and Section 2-12 of the Sonoma County Code, this Board of Supervisors reappoint Bruce Goldstein to the Office of County Counsel of the County of Sonoma for the term of four years commencing on January 2, 2015, and ending on January 12, 2019.

Be It Further Resolved that he shall be paid the salary prescribed in the Sonoma County Salary Resolution for the position of County Counsel, and shall be entitled to all benefits provided by resolution generally to all County department heads. In addition, he shall receive a 2.5% additional match for participation in the Incentive Retirement Savings Plan, under the program established in Section 13 of the Salary Resolution, and any subsequent amendments, to begin on January 2, 2015.

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

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: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Board of Supervisors 565-2241

Supervisorial District(s):

Title: Board of Supervisors Calendar Revisions of Meetings for 2014

Recommended Actions:

Approve the County of Sonoma Board of Supervisors updated calendar of meetings for the year 2014.

Executive Summary:

Prior Board Actions:

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

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Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

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Attachments:

Board of Supervisors 2014 Revised meeting calendar

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

--

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

January 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 <small>New Year's Holiday</small>			4
5		7 <small>8:30 a.m. Board Meeting</small>				11
12		14 <small>8:30 a.m. Board Meeting</small>				18
19	20 <small>Martin Luther King Jr. Holiday</small>	21 <small>No Meeting Board Strategic Planning Retreat</small>			24 <small>State of the County</small>	25
26		28 <small>8:30 a.m. Board Meeting</small>				31

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

February 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 8:30 a.m. Board Meeting	5	6	7	8
9	10	11 8:30 a.m. Board Meeting	12 Lincoln's Birthday Holiday	13	14	15
16	17 President's Day Holiday	18 No Meeting	19	20	21	22
23	24	25 8:30 a.m. Board Meeting	26	27	28	

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

March 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 No Meeting	5	6	7	8
9	10	11 8:30 a.m. Board Meeting	12	13	14	15
16	17	18 8:30 a.m. Board Meeting	19	20	21	22
23	24	25 8:30 a.m. Board Meeting	26	27	28	29
30	31					

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

April 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 <i>No Meeting</i>				
6		8 8:30 a.m. Board Meeting				
13		15 8:30 a.m. Board Meeting				
20		22 8:30 a.m. Board Meeting				
27		29 <i>No Meeting</i>				

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

May 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 8:30 a.m. Board Meeting	7	8	9	10
11	12	13 8:30 a.m. Board Meeting	14	15	16	17
18	19	20 8:30 a.m. Board Meeting	21	22	23	24
25	26 Memorial Day Holiday	27 No Meeting	28	29	30	31

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

June 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 <i>No Meeting</i>	4	5	6	7
8	9	10 <i>8:30 a.m. Board Meeting</i>	11	12	13	14
15	16 <i>Budget Hearings</i>	17 <i>8:30 a.m. Board Meeting</i> <i>Budget Hearings</i>	18 <i>Budget Hearings</i>	19 <i>Budget Hearings</i>	20 <i>Budget Hearings</i>	21
22	23 <i>Budget Hearings</i>	24 <i>8:30 a.m. Board Meeting</i> <i>Budget Hearings</i>	25 <i>Budget Hearings</i>	26 <i>Budget Hearings</i>	27 <i>Budget Hearings</i>	28
29	30					

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

July 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 No Meeting			4 Independence Day Holiday	
6		8 No Meeting				
13		15 No Meeting				
20		22 8:30 a.m. Board Meeting				
27		29 8:30 a.m. Board Meeting				

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

August 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 8:30 a.m. Board Meeting	6	7	8	9
10	11	12 8:30 a.m. Board Meeting	13	14	15	16
17	18	19 8:30 a.m. Board Meeting	20	21	22	23
24	25	26 No Meeting	27	28	29	30
31						

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

September 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Labor Day Holiday	2 No Meeting	3	4	5	6
7	8	9 8:30 a.m. Board Meeting	10	11	12	13
14	15	16 8:30 a.m. Board Meeting	17	18	19	20
21	22	23 8:30 a.m. Board Meeting	24	25	26	27
28	29	30 1 P.M. Board Meeting - PM ONLY				

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

October 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 8:30 a.m. Board Meeting	8	9	10	11
12	13	14 8:30 a.m. Board Meeting	15	16	17	18
19	20	21 8:30 a.m. Board Meeting	22	23	24	25
26	27	28 No Meeting	29	30	31	

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

November 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 No Meeting Election' Day	5	6	7	8
9	10	11 No Meeting Veterans' Day Holiday	12	13	14 1 P.M. Board Meeting - PM ONLY	15
16	17	18 No Meeting	19	20	21	22
23	24	25 8:30 A.M. Board Meeting - AM ONLY	26	27 Thanksgiving Day Holiday	28 Thanksgiving Day Holiday	29
30						

County of Sonoma Board of Supervisors 2014 Revised Meeting Calendar

December 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 8:30 a.m. Board Meeting	3	4	5	6
7	8	9 8:30 a.m. Board Meeting	10	11	12	13
14	15	16 No Meeting	17	18	19	20
21	22	23 No Meeting	24	25 Christmas Day Holiday	26	27
28	29	30 No Meeting	31			



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: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Clerk-Recorder-Assessor

Staff Name and Phone Number:

William Rousseau – (707) 565-1877

Supervisorial District(s):

Title: Agreement for Record Preservation Services

Recommended Actions:

Authorize the Clerk-Recorder-Assessor to execute an agreement with Kofile Preservation, Inc. for record preservation services for the period of August 20, 2014 to August 19, 2015, in the amount of \$601,136.

Executive Summary:

The Recorder maintains all Official Public Records relating to land and real property transactions for Sonoma County. A key function of the Recorder's Office is to preserve and maintain historical records for the benefit of the public. Historical records maintained in the Recorder's office include the grantor and grantee general index to deeds dating from 1835 through 1963. Although these records are digitized and available via computer kiosks in the lobby, the physical records remain an important part of Sonoma County's history, and it is important that they be preserved for future generations. Additionally, many members of the public continue to use these physical records to conduct their research. In total, there are 239 volumes of Indexes to Deeds, with 106,152 pages housed in a large bank of record desks in the research area. Many of the books are in extremely poor condition and will continue to deteriorate unless they are treated and preserved for use in future years.

This agreement will provide for preservation of the deed index books which will minimize the chemical and physical deterioration over time. The preservation process involves carefully dismantling the books, cleaning the surface of each page, removing old repairs and acidic adhesives, repairing tears and restoring the condition of the paper, deacidification, and encapsulation in Mylar 2 to 3 millimeters thick. In the final step of the preservation process the pages will be hand-bound in cased books of 250 sheets or less, using Archival Quality Disaster Safe Binders.

Contra Costa County solicited proposals for the restoration and preservation of Vital Record Books in November 2012. Five firms submitted proposals and Kofile Preservation, Inc. was selected as the most qualified supplier. Based on the services requested by the Sonoma County Recorder, the Purchasing Division approves using the same proposal results. Both the needs of Sonoma County and Contra Costa

County, and the cost for the services, are closely aligned.

Based on restoration and preservation services needed to protect the general index to deeds, the Clerk-Recorder-Assessor requests that the Board authorize the Clerk-Recorder-Assessor to execute an agreement with Kofile Preservation, Inc. for record preservation services for the period of August 20, 2014 to August 19, 2015, in the amount of \$601,136.

Prior Board Actions:

None.

Strategic Plan Alignment Goal 3: Invest in the Future

Record Preservation of the deed index books will ensure that future generations will have access to these historical documents.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 601,136	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$ 601,136
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 601,136	Total Sources	\$ 601,136

Narrative Explanation of Fiscal Impacts (If Required):

Funding for this agreement is included in the FY 14-15 budget for the Recorder division.

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

None.

Related Items “On File” with the Clerk of the Board:

Copy of Agreement with Kofile Preservation, Inc.



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: County of Sonoma Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): District Attorney

Staff Name and Phone Number:

Cindy Williams, ASO II
707-565-2818

Supervisorial District(s):

1, 2, 3, 4, 5

Title: District Attorney Victim Emergency Revolving Fund

Recommended Actions:

Resolution authorizing the District Attorney to sign an Agreement with the State Victim Compensation and Government Claims Board for the Revolving Fund Agreement for FY 2014/15-2016/17 to provide reimbursement to victims for specific expenses.

Executive Summary:

The District Attorney's Office is requesting Board approval to renew an agreement with the State Victim Compensation and Government Claims Board (VCGCB) for the Victim Services Division's Funeral/Burial and Domestic Violence Relocation Revolving Fund, for the term July 1, 2014, to June 30, 2017. Government Code Sections 13961.1, 13961.2, and 13962(d) require payment of verified claims to victims of violent crimes for funeral/burial expenses and for domestic violence relocation expenses.

Due to the confidential nature of the expenditures involved, a unique account has been established for the sole purpose of paying verified victim claims. The District Attorney's Office has been the designated manager of the account since 2002. Prior to 2002, the Revolving Fund was managed by the Probation Department, which was at the time responsible for the Victim Assistance Center. The Revolving Fund account is subject to VCGCB audit.

As in the past, the VCGCB requires the District Attorney's Office to sign an Agreement to establish a process by which the District Attorney's Office shall pay emergency expenses pursuant to Government Code Section 13952.5(c) in the categories listed below:

- Payment of verified funeral/burial expenses;
- Payment of verified relocation expenses;
- Payment of verified crime scene clean-up expenses; and
- Payments of other verified emergency losses.

A copy of the standard agreement is attached.

Administration of these funds is an inbuilt function of the District Attorney’s Victim Services Division, which is mandated to provide comprehensive victim and witness assistance in Sonoma County. No revenues or expenditures related to the Agreement’s victim reimbursement activities affect the County General Fund. No matching funds are required for these expenses.

Prior Board Actions:

7/12/2011: Resolution authorizing District Attorney to sign the VCGCB Revolving Fund Agreement for the term July 1, 2011, to June 30, 2014.

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

The VCGCB Revolving Fund provides emergency financial relief to victims of violent crime.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 0	County General Fund	\$ 0
Add Appropriations Req'd.	\$ 0	State/Federal	\$ 0
	\$	Fees/Other	\$ 0
	\$	Use of Fund Balance	\$ 0
	\$	Contingencies	\$ 0
	\$		\$
Total Expenditure	\$ 0	Total Sources	\$ 0

Narrative Explanation of Fiscal Impacts (If Required):

Reimbursement activities are provided on an emergency basis and are not planned, forecast, or budgeted. In accordance with VCGCB Revolving Fund policy and procedure, net revenue/expenditure for reimbursement activities, if they occur, is zero (\$0).

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Not Applicable			

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Resolution and Agreement

Related Items “On File” with the Clerk of the Board:

None



County of Sonoma
State of California

Date: September 16, 2014

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 Sign An Agreement Between The Victim Compensation
And Government Claims Board And The County of Sonoma, For The Revolving Fund
Agreement For Fiscal Year 2014-2015 To Fiscal Year 2016-2017.**

Whereas, the Sonoma County Victim Services Division, which is administered by the Sonoma County District Attorney's Office, is the designated regional provider of major and comprehensive victim and witness services in Sonoma County; and

Whereas, the State Board of Control established a program which allows victims expedited reimbursement of funeral/burial costs, and for the relocations costs for victims of domestic violence; and

Whereas, the State Victim Compensation and Government Claims Board has selected the Sonoma County Victim Services Division to receive monies for the purpose of processing victims' claims for funeral/burial and domestic violence relocation expenses pursuant to Government Code Sections 13961.1, 13961.2, and 13962(d); and

Whereas, County of Sonoma has established a unique Revolving Fund account for the express purpose of administering emergency claims to victims of violent crime in accordance with Victim Compensation and Government Claims Board policy.

Now, Therefore, Be It Resolved that the District Attorney of the County of Sonoma is authorized, on its behalf to execute an Agreement with the State Victim Compensation and Government Claims Board, and is further authorized to sign for the purpose of making any extensions or amendments thereof.

Be It Further Resolved that State funds received hereunder shall not be used to supplant local funds that would otherwise be available to support assistance to victims of crime.

Resolution #

Date:

Page 2

Supervisors:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

AGREEMENT NUMBER VCGC4112
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:
- STATE AGENCY'S NAME
VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
- CONTRACTOR'S NAME
COUNTY OF SONOMA
2. The term of this Agreement is: **JULY 1, 2014** through **JUNE 30, 2017**
3. The maximum amount of this Agreement is: **\$0.00**
 Zero dollars
4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	3 Pages
Exhibit B – Budget Detail and Payment Provisions	1 Page
Exhibit C* – General Terms and Conditions (GTC307)	1 Page
Exhibit D – Special Terms and Conditions	4 Pages
Attachment I – VCGCB Information Security Policy 06-00-003	5 Pages
Attachment II – Confidentiality Statement	1 Page
Attachment III – Revolving Fund Procedures	3 Pages
Attachment IV – Revolving Fund Disbursement Log	1 Page
Attachment V – Overpayment Checklist	2 Pages
Attachment VI – Imaged Document Confidential Destruct Policy-Scan Facility Memo 09-001	2 Pages
Attachment VII – Contractor's Description of Revolving Fund Procedures	1 Page

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.ols.dqs.ca.gov/Standard+Language

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR		California Department of General Services Use Only <input type="checkbox"/> Exempt per:
CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.) COUNTY OF SONOMA		
BY (Authorized Signature) 	DATE SIGNED(Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Jill R. Ravitch		
ADDRESS 600 Administration Drive, Room 212-J Santa Rosa, CA 95403		
STATE OF CALIFORNIA		
AGENCY NAME VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD		
BY (Authorized Signature) 	DATE SIGNED(Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING JULIE NAUMAN, EXECUTIVE OFFICER		
ADDRESS 400 R STREET, SUITE 500, SACRAMENTO, CA 95811		

EXHIBIT A

SCOPE OF WORK

1. This agreement is entered into by the Victim Compensation and Government Claims Board (VCGCB), an agent of the State of California, and the County of Sonoma (Contractor). The purpose of this agreement is to establish a process by which the Contractor may pay expenses on an emergency basis when the claimant would suffer substantial hardship if the payment was not made and when the payment would help the claimant with an immediate need.
 - a. Contractor shall pay emergency expenses pursuant to Government Code Section 13952.5(c) (3) in the categories listed below, according to the Revolving Fund Procedures (for a detailed description of revolving fund procedures, please refer to Attachment III to this agreement).
 - i. Payment of verified funeral/burial expenses;
 - ii. Payment of verified relocation expenses;
 - iii. Payment of verified crime scene clean-up expenses; and
 - iv. Payments of other verified emergency losses with the approval of the County Liaison and Support Section Manager, the Assistant Deputy Executive Officer of the Victim Compensation Program, or the Deputy Executive Officer of the Victim Compensation Program.
 - b. The Contractor shall pay emergency expenses using its revolving fund for the County of Sonoma.
 - c. The Contractor shall also ensure that staff who authorize emergency payments are different from staff who issue the emergency payments, as required by Government Code Section 13400 known as the Financial Integrity and State Manager's Accountability Act of 1982 (FISMA).

The Contractor shall ensure that the staff persons assigned to functions under this contract do not participate in criminal investigations or prosecution. The Contractor shall ensure that the staff persons assigned to functions under this contract do not collect restitution or serve as a restitution specialist.

In addition, the Contractor shall obtain VCGCB's prior written permission if staff persons assigned to functions under this contract will perform any other county function.

- d. The Contractor shall establish and enforce procedures to insure that funds paid under this agreement are released only to the person authorized by the claimant to receive the funds or to the provider of services or commodities paid for under this agreement.
- e. The VCGCB shall report all reimbursements made to the Contractor for expenses under this agreement to the Internal Revenue Service (IRS).
- f. The Contractor shall exercise internal control over the issuance of funds and requests for reimbursement of funds to replenish the accounts.

EXHIBIT A

SCOPE OF WORK

- g. If an overpayment is identified as a result of the Contractor's failure to follow the terms established in this agreement, the Contractor shall follow procedures set out below. The Contractor agrees that it shall not file a deficiency claim under SAM Section 8072, or any provision, for reimbursement from the VCGCB for any deductions under this provision.
 - i. The Contractor shall report any overpayments or suspected overpayments to the County Liaison and Support Section at the VCGCB as soon as said overpayments are identified.
 - ii. The Contractor is responsible for collecting the amount of an overpayment from the overpaid party if the overpayment resulted from the Contractor's failure to follow the terms of this agreement.
 - h. The Contractor shall use all forms and processes required by the VCGCB. For a detailed description of Revolving Fund Procedures, refer to Attachment III of this agreement.
 - i. The Contractor shall only use information collected under this agreement for the purpose of verifying and adjudicating claims.
 - j. The Contractor will use CaRES (Compensation and Restitution System), the VCGCB automated claims management system, to perform the work under this agreement. The Contractor shall ensure that all Contractor staff persons performing duties under this agreement comply with VCGCB statutes, regulations, guidelines, procedures, directives, and memos.
 - k. The Contractor shall maintain the highest customer service standards, and shall ensure that claims are processed accurately and efficiently, that recipients of services receive prompt responses to their inquiries and are treated with sensitivity and respect. Should the VCGCB communicate to the Contractor any complaint or concern about the foregoing, the Contractor shall respond to the VCGCB within a reasonable time as requested by the VCGCB.
2. The term of this agreement shall be July 1, 2014 through June 30, 2017.

The services shall be performed at:

County of	Sonoma
Office	Office of the District Attorney
Address	600 Administration Drive, Room 212-J
City, State, Zip	Santa Rosa, CA 95403

EXHIBIT A

SCOPE OF WORK

3. The services shall be provided during regular business hours, Monday through Friday, except holidays. At the beginning of each fiscal year the Contractor shall provide a list of scheduled holidays for the coming year. The Contractor shall obtain approval from the CLASS Manager in advance for any temporary changes in schedule or operating hours.
4. The project representatives during the term of this agreement will be:

State Agency: Victim Compensation and Government Claims Board	Contractor: Sonoma County Office of the District Attorney
Name: Marlene Dederick, County Liaison and Support Section Manager	Name: Gloria Eurotas, Victim Services Director
Phone: (916) 491-3737	Phone: 707-565-2822
Fax: (916) 491-6435	Fax: 707-565-2653
Email: marlene.dederick@vcgcb.ca.gov	Email: Gloria.Eurotas@sonoma-county.org

Direct all inquiries to:

State Agency: Victim Compensation and Government Claims Board	Contractor: Sonoma County Office of the District Attorney
Section/Unit: Business Services Section	Section/Unit: Victim Services Division
Attention: Megan Vinson	Attention: Gloria Eurotas, Director
Address: 400 R Street, Suite 400 Sacramento, CA 95811	Address: 600 Administration Drive, Room 212-J Santa Rosa, CA 95403
Phone: (916) 491-6469	Phone: 707-565-2822
Fax: (916) 491-6413	Fax: 707-565-2653
Email: megan.vinson@vcgcb.ca.gov	Email: Gloria.Eurotas@sonoma-county.org

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. REVOLVING FUND

The VCGCB advanced the Contractor \$40,000.00, as authorized by Government Code Section 6504, to pay qualifying claims (Exhibit A.1a). The Contractor shall exercise appropriate internal records over the issuance of funds and requests for reimbursement of funds to replenish the account.

The Contractor shall use the revolving funds to assist applicants who have immediate need for payment of an expense, where the applicant would suffer a substantial financial hardship without such emergency payment. The Contractor shall receive and verify applications and requests for reimbursement according to the procedures established by the VCGCB for emergency awards. Upon verification, the Contractor shall issue payments from the revolving fund for allowed emergency expenses. The Contractor shall then use the VCGCB claims management system to issue a payment to replenish the revolving fund, according to the process set out in the Revolving Fund Procedures (Attachment III to this agreement) and any other subsequent procedures required by the VCGCB.

The Contractor shall submit annually a written description of the procedures for operating the revolving fund (Attachment VII to this agreement). The description shall include a list of all personnel authorized to request a disbursement from the revolving fund, and a list of all personnel authorized to make such a disbursement. The description shall also include a complete explanation of the manner in which the fund is operated and copies of any forms that are used in the distribution of the funds.

2. BUDGET CONTINGENCY CLAUSE

It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this agreement does not appropriate sufficient funds for the program, this agreement shall be of no further force and effect. In this event, the VCGCB shall have no liability to pay any funds whatsoever to the Contractor or to furnish any other consideration under this agreement and the Contractor shall not be obligated to perform any provisions of this agreement.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the VCGCB shall have the option to either terminate this agreement with no liability to the VCGCB, or offer an amendment of this agreement to the Contractor to reflect the reduced amount.

3. REPORTING REVOLVING FUND USE

Each month the Contractor shall submit a written accounting of the disbursements from, and reimbursements to, the Contractor's revolving fund account on the JP County Revolving Fund Disbursement Log (Attachment IV to this agreement). A copy of the Disbursement Log shall be provided with the County's monthly reconciliation report that indicates revolving fund activity. The log and reconciliation report are due to the VCGCB Accounting Manager, with a copy to the County Liaison and Support Section, by the tenth (10th) day of each month.

EXHIBIT C

GENERAL TERMS AND CONDITIONS

PLEASE NOTE: The General Terms and Conditions will be included in the contract by reference to Internet site www.ols.dgs.ca.gov/Standard+Language.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. INCOMPATIBLE ACTIVITIES

Contractor's staff assigned to perform services for the VCGCB shall not:

- a. Participate in a criminal investigation or prosecution.
- b. Engage in any conduct that is clearly inconsistent, incompatible, or in conflict with his or her assigned duties under the contract, including but not limited to: providing services that could be compensated under the VCP program.
- c. Use information obtained while doing work under the contract for personal gain or the advantage of another person.
- d. Provide confidential information to anyone not authorized to receive the information.
- e. Provide or use the names of persons or records of the VCGCB for a mailing list which has not been authorized by the VCGCB.
- f. Represent himself or herself as a VCGCB employee.
- g. Take any action with regard to a Victim Compensation Claim or restitution matter with the intent to obtain private gain or advantage.
- h. Involve himself or herself in the handling of any claim or restitution matter when he or she has a relationship (business or personal) with a claimant or other interested party.
- i. Knowingly initiate any contact with a claimant, person for whom restitution may be sought, or person against whom restitution may be collected, unless the contact is for the purposes of carrying out the services under the agreement and is done in an appropriate manner.

All confidential information obtained during the performance of the agreement duties shall be held in strict confidence.

It shall be the Contractor's responsibility to ensure that every staff person assigned to provide contracted services to the VCGCB is made aware of and abides by this provision. If an assigned staff person is unwilling or unable to abide by this provision, the staff person should no longer be assigned to perform the services required by the agreement. Any questions should be directed to the VCGCB's Legal Office.

2. PERFORMANCE ASSESSMENT

The VCGCB shall assess and evaluate the Contractor's performance in a manner consistent with those assessments and evaluations currently in place for the VCGCB's claims processing staff.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

- a. The VCGCB shall monitor performance under the agreement and periodically report performance to the Contractor.
- b. The VCGCB reserves the right to revoke the access code of any Contractor's staff whose performance is consistently poor or below average based on the performance criteria used by the VCGCB. Any Contractor's staff whose access code has been revoked shall no longer be authorized to process claims. Subsequently, the VCGCB may agree to allow any such employee to work under this agreement.

3. PROGRAM EVALUATION AND MONITORING

The Contractor shall make available to the VCGCB, and its representatives, for purposes of inspection, audit and review, any and all of its books, papers, documents, financial records and other records pertaining to the operation of this agreement. The records shall be available for inspection and review during regular business hours throughout the term of this agreement, and for a period of three (3) years after the expiration of the term of this agreement.

4. RETURN OF REVOLVING FUNDS

The VCGCB reserves the right to request, upon thirty (30) days written notification, the return of all revolving fund monies to be deposited into the VCGCB Restitution Fund.

5. CONFIDENTIALITY OF RECORDS

All financial, statistical, personal, technical and other data and information relating to the State's operations which are designated confidential by the State and made available to the Contractor in order to carry out this agreement, or which become available to the Contractor in carrying out this agreement, shall be protected by the Contractor from unauthorized use and disclosure through observance of the same or more effective procedural requirements as are applicable to the State. This includes the protection of any extractions of the VCGCB's confidential data for another purpose. Personally identifiable information shall be held in the strictest confidence, and shall not be disclosed except as required by law or specifically authorized by the VCGCB (refer to VCGCB Information Security Policy Memo 06-00-003, Attachment I to this agreement).

The VCGCB's Custodian of Records in Sacramento shall be notified when an applicant or applicant's representative requests a copy of any document in or pertaining to the claimant's file. The Contractor shall not disclose any document pursuant to any such request unless authorized to do so by the Executive Officer, Chief Deputy Executive Officer, Deputy Executive Officer, or the Legal Office.

The VCGCB's Public Information Officer (PIO) in Sacramento is to be immediately notified of any request made under the Public Records Act (Gov. Code 6250, et. seq.) for information received or generated in the performance of this agreement. No record shall be disclosed pursuant to any such request unless authorized by the VCGCB's PIO.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

The Contractor shall ensure that all staff is informed of and complies with the requirements of this provision and any direction given by the VCGCB. The Contractor shall complete and submit a signed Confidentiality Statement (Attachment II to this contract) to:

Victim Compensation and Government Claims Board
Attn: Megan Vinson, Associate Business Management Analyst
Business Services Section
400 "R" Street, Suite 400
Sacramento, CA 95811

The Contractor shall be responsible for any unauthorized disclosure by Contractor staff persons performing duties under this agreement and shall indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims, losses, damages, penalties, fines, and attorney fees resulting from the unauthorized disclosure of VCGCB records by such staff persons.

6. SUBPOENAS

The Contractor is not the Custodian of Records for any of the materials it creates or receives pursuant to this agreement. The Contractor shall post a notice in its receiving department or other appropriate place stating that all Victim Compensation Program subpoenas and document requests shall be served upon the Victim Compensation and Government Claims Board.

The Contractor shall inform a server of a subpoena that the subpoena shall be personally served on the Victim Compensation and Government Claims Board at 400 R Street, 5th Floor, Sacramento, CA, 95811, Attn: Legal Office. The Contractor may also contact the Legal Office at 916-491-3605 for further assistance.

In cases where documents are being subpoenaed, the Contractor shall provide the VCGCB with original and complete claim documents upon request. The Contractor shall submit the original claim documents in the most expedient manner necessary to meet the time constraints of the subpoena, including the use of overnight express mail.

7. RETENTION OF RECORDS

The Contractor shall retain all documents related to applications entered into CaRES for one year from the date the document is received. After one year the Contractor shall contact the County Liaison and Support Section to make arrangements for the documents to be destroyed consistent with Imaged Document Confidential Destruct Policy Memo Number 09-001 (Attachment VI to this agreement).

The Contractor shall not destroy any files or records without written authorization from the VCGCB.

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

8. TERMINATION FOR CONVENIENCE

The VCGCB or the Contractor reserves the right to terminate this agreement upon thirty (30) days written notice to the other. In such an event, the Contractor shall be compensated for actual costs incurred in accordance with the terms of the agreement up to the date of termination. Invoicing of the above-mentioned costs shall be submitted to the VCGCB within thirty (30) calendar days of the date of termination.

9. REGULATIONS AND GUIDELINES

All parties agree to abide by all applicable federal and state laws and regulations and VCGCB guidelines, procedures, directives and memos as they pertain to the performance of this agreement.



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: Sonoma County Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Fire and Emergency Services

Staff Name and Phone Number:

Al Terrell / 565-1152

Supervisory District(s):

All Districts

Title: Extension of Proclamation of Local Emergency Due to Drought Conditions

Recommended Actions:

Adopt a 30 Day extension of the Resolution proclaiming a drought emergency in Sonoma County.

Executive Summary:

The Board of Supervisors proclaimed a local emergency due to drought conditions at the February 25, 2014, Board meeting. That resolution covers the entire Sonoma County (County) Operational Area, including all nine cities and special districts. Subsequent 30 day extensions were approved on March 25, April 22, May 20, June 17, June 24, July 22, and August 19, 2014. Drought conditions still persist throughout the County. The Director of Emergency Services recommends that the Board approve the proclamation extending the local emergency for another 30 days. This is the maximum period allowed by law that an emergency can be extended. It is likely that an additional extension renewal will be submitted again within 30 days, unless conditions improve markedly. Should conditions improve, Fire and Emergency Services (FES) will request the Board formally terminate the emergency.

Drought

Sonoma County continues to be listed as "Exceptional Drought", the highest of the four drought ratings used by the U.S. Drought Monitor published by U.S. Department of Agriculture. A Department of Water Resources (DWR) State climatologist has observed that the continuing dryness, above average temperatures, water rights curtailment actions, decreasing water levels, specifically in Lake Mendocino, have contributed to increasingly 'exceptional' drought conditions in our Operational Area.

On August 26, FES participated in a meeting with the Stewart's Point Rancheria of Kashia Tribe, Cal OES and Bureau of Indian Affairs to discuss their drought situation and potential mitigations for worsening ground water supplies. The tribe is closely monitoring their well levels and preparing several measures to respond to the emergency.

On August 23, more than a thousand County residents attended the drought demonstration event at Coddington mall. The event was sponsored by the City of Santa Rosa and Water Agency. Ten drought demonstration booths gave residents a hands on experience on how to make outdoor drought tolerant decisions, such as removing turf with low water use plants and how to adjust irrigation timer systems.

The Water Agency reports that regional water supply reservoirs remain well below average water supply

capacities, with Lake Sonoma at 62 percent, and Lake Mendocino at 29 percent.

Fire Update

The emergency proclamation remains in place for the state of California due to the effects of wildfires in El Dorado, Amador, Butte, Humboldt, Lassen, Madera, Mariposa, Mendocino, Modoc, Shasta, and Siskiyou counties that have burned thousands of acres, destroyed homes and other structures, and damaged critical infrastructure.

As of September 11, 2014, the following significant fires were actively burning in Northern California:

1. The Gulch Fire started in Shasta County on September 10, 2014, and had burned 1,200 acres and was 15% contained.
2. The Meadow Fire in the Yosemite National Forest in Mariposa County had burned over 4,500 acres and was only 10% contained.
3. The Happy Camp Fire in the Klamath National Forest had burned over 100,000 acres, destroyed 8 structures, and was only 30% contained.

The proclamation extending the existence of a local emergency will enable the County to receive disaster related assistance from the State and Federal governments. There are several State and Federal grant programs available to an assortment of departments, agencies, special districts, and individuals affected by the drought conditions. Although not currently available through the Gubernatorial Proclamation, future reimbursement for emergency response and coordination activities may later become available through the California Disaster Assistance Act (CDAA). The CDAA would allow for reimbursement of up to 75% of costs incurred under a locally proclaimed emergency. The County has enacted financial measures to track response costs that would allow for reimbursement should it become available in the future.

Prior Board Actions:

08/19/2014: 30 Day extension of proclamation.
07/22/2014: 30 Day extension of proclamation.
06/24/2014: 30 Day extension of proclamation.
06/17/2014: 30 Day extension of proclamation.
05/20/2014: 30 Day extension of proclamation.
04/22/2014: 30 Day extension of proclamation.
03/25/2014: 30 Day extension of proclamation.
02/25/2014: Proclamation of a local emergency due to drought conditions.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The recommended actions support the conservation of vital resources necessary for the health, safety, and continued economic growth of the County and its citizens.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ -0-	County General Fund	\$ -0-
Add Appropriations Req'd.	\$ -0-	State/Federal	\$ -0-
	\$	Fees/Other	\$ -0-
	\$	Use of Fund Balance	\$ -0-
	\$	Contingencies	\$ -0-
	\$		\$
Total Expenditure	\$ -0-	Total Sources	\$ -0-

Narrative Explanation of Fiscal Impacts (If Required):

No specific budget action is requested through this item. Costs associated with emergency response planning and activity, including costs associated with staffing the Emergency Operations Center, requesting mutual aide, and other necessary measures are being tracked through the County's financial system.

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 (A1)

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

None.



County of Sonoma

State of California

Date: September 16, 2014

Item Number: _____

Resolution Number: _____

Santa Rosa, CA 95403

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Extending A Proclamation Of Local Emergency Due To Drought Conditions In The County Of Sonoma And Requesting Immediate State and Federal Assistance. (All Districts)

Whereas, the State of California is experiencing one of the driest winters in recorded history; and

Whereas, on January 17, 2014, the Governor of the State of California proclaimed a State of Emergency for the State of California due to drought conditions; and

Whereas, on January 24, 2014, the United States Department of Agriculture designated the County of Sonoma, along with many other California counties, a natural disaster area due to drought; and

Whereas, the adverse environmental, economic, health, welfare and social impacts of the drought pose an imminent threat of disaster and threaten to cause widespread potential harm to people, businesses, agriculture, property, communities, wildlife and recreation in the County of Sonoma; and

Whereas, Section 8630, Article 14 of the California Emergency Services Act requires that Board of Supervisors of the County of Sonoma review, at least every 30 days until such local emergency is terminated, the need for continuing the local emergency; and

Whereas, a period of local emergency presently exists in the County of Sonoma in accordance with the proclamation thereof by the Board of Supervisors on the 25th day of February, 2014, as a result of persistent drought conditions; and

Whereas, the Board of Supervisors of the County of Sonoma has reviewed the need to continue the existence of this local emergency.

Now, Therefore, Be It Resolved by Board of Supervisors of the County of Sonoma, State of California, as follows:

It Is Proclaimed and Ordered, pursuant to Government Code section 8558 and Chapter 10 of the Sonoma County Code, that a local emergency has existed throughout the County of Sonoma because of drought conditions since January 17, 2014; and

It Is Further Proclaimed and Ordered, that during the existence of this local emergency, the powers, functions and duties of the Director of Emergency Services and the emergency management organization of the Sonoma County Operational Area shall be those prescribed by Federal law; State law; by ordinances, resolutions and the Code of the County of Sonoma; and by the Sonoma County/Operational Area Emergency Operations Plan approved the Board of Supervisors; and

It Is Requested that the Governor of the State of California waive regulations that may hinder response and recovery efforts, make available California Disaster Assistance Act funding for the State of Emergency proclaimed on January 17, 2014, and seek all available forms of Federal disaster assistance and relief programs, to include a Presidential Declaration of Emergency; and

Be It Further Resolved pursuant to Government Code section 8630, the Board of Supervisors shall review the need for continuing this local emergency at least once every 30 days until the Board of Supervisors terminates the local emergency; and

Be It Further Resolved that a copy of this extension of the emergency proclamation be forwarded to the State Director of the Office of Emergency Services and all State and Federal legislators representing the County of Sonoma.

Supervisors:

Gorin:	Zane:	McGuire:	Carrillo:	Rabbitt:
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: 18
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): General Services/Sheriff

Staff Name and Phone Number:

General Services – Teryl Phillips 565-2143
Sheriff – Sgt. Dennis Smiley 565-2411

Supervisorial District(s):

All

Title: Moonraker Sea Ranch Ground Lease and Tower License

Recommended Actions:

- 1) Declare intent to execute a ground lease between the County of Sonoma and The Sea Ranch Association, a California non-profit mutual benefit corporation, for installation and operation of communications improvements at the Moonraker Sea Ranch telecommunications site located at 33012 Timber Ridge Road, The Sea Ranch, Sonoma County, for an initial term of fifteen (15) years at an annual rental cost of \$21,600, with two (2) extension options of five (5) years each.
- 2) Direct the Clerk of the Board to publish a Notice of Intent pursuant to Government Code section 25350 to execute such lease agreement.
- 3) Declare intent to execute a license agreement between the County of Sonoma and GTE Mobilnet of California Limited Partnership, a California limited partnership doing business as Verizon Wireless, for installation and operation of communications equipment on a portion of the communications tower at the Moonraker Sea Ranch telecommunications site located at 33012 Timber Ridge Road, The Sea Ranch, Sonoma County, for an initial term of five (5) years at an annual rental cost of \$14,400, with four (4) extension options of five (5) years each.

Executive Summary:

Purpose. General Services staff, in consultation with staff from the Sheriff's Office, are requesting Board consideration of two new agreements needed for the installation of communications network improvements at the Moonraker Sea Ranch communications facility located adjacent to The Sea Ranch coastal community area of western Sonoma County. A ground lease is needed with the landowner, The Sea Ranch Association ("TSRA"), to provide for construction of a County-owned equipment vault, and a license agreement is needed with Verizon Wireless ("Verizon") to allow installation and operation of County antennas and other appurtenances on the existing 170' tall tower owned by Verizon.

Radio coverage on the Sonoma County coast is problematic since hilly terrain and densely forested areas

impede the reach of transmission signals, and there are no existing communication site facilities that can adequately cover large swaths of coastline. Instead, the topography necessitates equipment installations at multiple sites to achieve coverage objectives. Consequently, staff has identified an operational network of existing and proposed communication sites to meet the Sheriff Department's public safety communications objectives along the coast. Most of the identified coastal network locations require that leases and/or licenses be secured with tower and property owners prior to installation of new facilities. General Services staff has negotiated both a ground lease and a tower license for installation of County facilities at the Moonraker site that satisfies the Sheriff's technical requirements.

Following installation of the proposed improvements, the Moonraker facilities will fill coverage gaps in the area north of Salt Point to the Mendocino County line, which currently has poor to no radio coverage, from Salt Point to The Sea Ranch. The goal is to improve emergency radio coverage for the Sheriff's Department, fire services, and emergency medical services from approximately Salt Point north to the Mendocino County line.

If the agreements are not approved for project implementation, radio coverage for emergency responders will not improve, leaving large areas of poor to no radio coverage along the north Sonoma County coast.

Ground Lease. The proposed ground lease would allow the County to utilize a portion of the property owned by TSRA consisting of approximately 912 square feet in area for installation of a communications shelter and associated infrastructure for housing ground equipment and for installation of a cable tray and other utility connections to the Verizon tower. The leased premises would include a non-exclusive right for ingress and egress seven (7) days per week and twenty-four (24) hours a day over private access roads and public rights-of-way serving the site.

The proposed ground lease contains the following key provisions:

1. An initial term of fifteen (15) years, which will commence within 180 days following full execution of the lease, and upon fulfillment of pre-term conditions, which include full execution of the tower license with Verizon, issuance of a building permit, and commencement of construction of the County's equipment vault facility.
2. Two (2) options to extend the lease term, each for a period of five (5) additional years, upon delivery of written notice by County at least 120 days prior to term expiration.
3. Initial base rent of \$1,800 per month (\$21,600 annually), with annual increases of 2% during the initial fifteen-year term.
4. After the initial fifteen-year term, rent for each extended term period is to be established by agreement between County and landlord, or if agreement cannot be reached within 30 days of County's notice to exercise its option, County will obtain a valuation prepared by a consultant, with landlord's consent to selected consultant.
5. County must obtain landlord's prior written consent to sublet to private entities or to assign the lease. Other public agencies or quasi-public agencies acting as an agent of County may use the premises and will not be considered as subtenants.
6. County may terminate the lease for discretionary reasons upon ninety (90) days notice, and upon thirty (30) days notice for non-appropriation of funds.

7. County may hold over on a month-to-month tenancy following expiration of the lease term, subject to landlord's written consent and based upon all the terms and conditions of the original lease.

Tower License. The proposed tower license with Verizon will permit installation of 11 antennas and associated utility and transmission connections to the County's equipment shelter. The license is subject to the terms and conditions of Verizon's master lease with TSRA, and contains the following key provisions:

1. An initial term of five (5) years, which will commence the first day of the month in which the license is fully executed by both parties.
2. Four (4) options to extend the term of the license, each for a period of five (5) additional years, subject to written notice by County at least six months prior to the end of the current term.
3. Initial base rent of \$14,400 annually, to be paid in equal monthly installments of \$1,200 each, with annual increases of 3% during the initial five-year term.
4. After the initial five –year term, rent for each year of each extension period will increase on the anniversary of the commencement date by 3% over the previous year's annual rent.
5. County must obtain licensor's prior written consent to sublet or to assign the license.
6. The County's tower equipment is subject to relocation elsewhere on the tower if deemed necessary by licensor, with the relocation location to be mutually agreed upon. Costs of relocation will need to be negotiated with licensor.
7. Either party may terminate the license upon one hundred eighty (180) days notice with or without cause to the other party.
8. County, at its cost, must remove its equipment and other improvements within thirty (30) days following expiration of the license and restore the premises to pre-installation condition.

Staff utilized the services of an industry consultant, G Squared Consulting, Inc., to assist with establishment of fair market rent values, lease negotiations and preparation of both agreements. In both cases, the negotiated rents represent acceptable fair market rates for the location, and are consistent with rent rates paid by other existing tower tenants at the site.

Project Costs and Construction Schedule. The construction cost of the Moonraker Sea Ranch project is estimated at \$750,000. The funding for this project, along with all other tower construction projects, is included in the approved Capital Projects budget.

General Services staff will return to the Board to request award of the construction contract pursuant to bid procedures by December 2014, and commencement of construction is anticipated shortly thereafter. Construction is expected to be completed during Fiscal Year 14-15.

Ongoing operating costs will include electrical utility charges which will be billed directly by PG&E to County General Services, based upon actual metered usage. These costs are estimated to be approximately \$300 per month (\$3,600 annually).

Regulatory Conformance. On April 28, 2014, the Permit and Resources Management Department (PRMD) staff issued a Notice of Final Action on a Coastal Permit for the County's Moonraker Sea Ranch project. The Notice included findings that the project is categorically exempt from the California

Environmental Quality Act (“CEQA”) under Section 15301(b) of the CEQA Guidelines, because it consists of an addition of equipment to an existing telecommunications facility and will not have a significant effect on the environment. The project was also determined to be consistent with zoning and design review requirements applicable to the site. The issued Coastal Permit includes conditions of approval that must be met by the County prior to building permit issuance and commencement of the use.

Procedural Authority. Government Code Section 25350 requires the Board to publish a notice of its intention to enter into a lease or license agreement valued at more than \$50,000 for three (3) consecutive weeks before consummation of the agreement. Staff has prepared the attached notices for publication, which set October 14, 2014 as the date and time of the meeting to authorize execution of both the ground lease and the tower license. By approving this agenda item, the Board directs the Clerk of the Board to publish the notice in accordance with Government Code Section 25350. Upon conclusion of the required notice publication period, the Board would receive any public comments at its regular meeting of October 14, 2014 and authorize the General Services Director to execute the agreements.

Prior Board Actions:

None.

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

The lease and license agreements, along with the resultant telecommunications improvements will support the public safety needs of the residents of Sonoma County, providing continued and improved communication coverage to the surrounding areas. If the agreements are not approved for project implementation, radio coverage for emergency responders will not improve, leaving large areas with poor to no radio coverage along the north Sonoma County coast.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 39,600	County General Fund	\$ 39,600
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

Rent and utility impacts estimated at \$39,600 (\$21,600 for ground lease rent, \$14,400 for tower license rent, \$3,600 for utilities) for FY 14-15 are included in the General Services budget. Construction impacts incurred in FY 14-15 are estimated to be \$750,000 and are included in the Capital construction budget.

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:			
Notice of Intent			
Related Items “On File” with the Clerk of the Board:			
Lease between the County of Sonoma and The Sea Ranch Association; License agreement between the County of Sonoma and Verizon Wireless.			



County of Sonoma Agenda Item Summary Report

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

Agenda Item Number: 19
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Human Services Department

Staff Name and Phone Number:

Oscar Chavez, 565-3812

Supervisorial District(s):

All

Title: Upstream Investments Policy Committee Youth Seats

Recommended Actions:

Approve the addition of two youth seats to the Upstream Investments Policy Committee.

Executive Summary:

This items requests approval of the addition of two youth seats to the Upstream Investments Policy Committee, which is an advisory body responsible to oversee the implementation of the Upstream Investments Policy Initiative. The addition of two youth seats will bring the total committee membership to 36 individuals.

As a result of growing criminal justice costs, the Sonoma County Board of Supervisors began exploring the antecedents to criminal behavior in an effort to identify upstream interventions that reduce downstream criminal justice costs. The Upstream Investments Policy initiative was born through this process and is widely supported throughout the community. The Upstream Investments Policy places an emphasis on prevention-focused interventions and policies and seeks to increase equity in education, improve health outcomes and support nurturing home and community environments for all Sonoma County residents. The three primary strategies to achieve these goals are:

- **Invest Early:** Whenever possible, dedicate funding and other resources to prevention-focused policies and interventions.
- **Invest Wisely:** Ensure that upstream policies and interventions have the highest possible likelihood of success by selecting those that are backed by sound evidence. Programs that meet the criteria for the Portfolio of Model Upstream Programs (“the Portfolio”) have demonstrated this commitment to evidence-informed practice.
- **Invest Together:** Focus community-wide upstream policies, local funding priorities and selected interventions utilizing a Collective Impact framework aimed at eliminating disparities in education, health and economic security.

The Upstream Investments Policy Committee is committed to increasing civic engagement and leadership opportunities for young people in Sonoma County. With the goal to promote authentic youth engagement, on August 13, 2014 the Policy Committee unanimously voted to recommend adding two youth seats to the committee. The Upstream Policy Committee will work with Human Services Department Staff to fill these seats on or before May 2014. Staff will partner with VOICES to conduct outreach to youth organizations in all 5 supervisorial districts. Candidates between the ages of 16 and 24 will be asked to submit an application. Qualified candidates will participate in an interview process to select and seat two youth for a term not to exceed two years. Selected youth will be paired with an adult ally currently serving on the Policy Committee for the duration of their term. The adult ally will attend orientation meetings, meet with the youth before and after committee meetings, sit with the youth during meetings, and encourage youth participation and understanding.

Prior Board Actions:

- March 2014 The Board of Supervisors approved 2 new members to the Portfolio Review Committee.
- February 2014 The Board of Supervisors approved recommended seats for the Policy Committee, reappointed 3 members to the Portfolio Review Committee, appointed 2 new members to the Portfolio Review Committee, and approved a contract for Bischoff Consulting to provide technical assistance and training to support the Portfolio Review Committee.
- March 2013 The Board of Supervisors appointed 3 new members to the Upstream Investments Portfolio Review Committee and reappointed 5 members to a second term.
- March 2012 the Board of Supervisors appointed the first 15 members of the Upstream Portfolio Review Committee.
- November 2011 The Board convened the Upstream Investments Policy Committee for a two-year term (2012-2013) and appointing members to the Portfolio Review Committee for a one or two-year term (2012-2013).

Strategic Plan Alignment Goal 3: Invest in the Future

The Upstream Investments Policy initiative, sponsored by the Sonoma County Board of Supervisors and widely supported throughout the community, seeks to increase equity in education, improve health outcomes and support nurturing home and community environments for all Sonoma County residents.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 0.00	Total Sources	\$ 0.00

Narrative Explanation of Fiscal Impacts (If Required):			
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:			
Upstream Investments Policy Committee Roster			
Related Items “On File” with the Clerk of the Board:			
None.			



Upstream Investments Policy Committee Members

Name	Organization	Title
1. Susan Gorin, 1 st District	Board Of Supervisors	County Supervisor
2. Efred Carrillo, 5 th District	Board Of Supervisors	County Supervisor
3. Jerry Dunn (Project Sponsor)	Human Services Department	Director
4. Kathleen Kane	Community Development Commission	Executive Director
5. Peter Rumble	County Administrators Office	Deputy County Administrator
6. Barbara Fitzmaurice	County Counsel	Deputy County Counsel
7. Julie Paik/Gigi Mertle	Department of Child Support Services	Director
8. Jen Lewis	Department of Health Services	Health Action Program Manger
9. Brian Vaughn	Department of Health Services	Division Director
10. Tammy Chandler	Department of Health Services	Assistant Director
11. Christine Cook/Jill Ravitch	District Attorney	Assistant District Attorney
12. Ben Stone	Economic Development Board	Executive Director
13. Alfredo Perez	First 5 Sonoma County	Executive Director
14. John Hartwig	Information Services Department	Director
15. David Koch	Probation	Deputy Chief Probation Officer
16. Kathleen Pozzi	Public Defender	Interim Public Defender
17. James Nantell	Regional Parks	Director
18. Heidi Keith	Sheriff	Administrative Services Officer
19. Lauran Grayman	Big Brothers Big Sisters	Executive Director
20. Carol Simmons	Child Care Planning Council	Coordinator
21. Tim Reese	Community Action Partnership	Executive Director
22. Karin Demarest	Community Foundation	Senior Program Officer
23. Marrienne McBride	Council on Aging	President and CEO
24. Marlus Stewart	Drug Abuse Alternatives Center (DAAC)	Associate Executive Director
25. Lisa Wittke Schaffner	John Jordan Foundation	Executive Director
26. Khaalid Muttaqi	Mayor's Gang Prevention Task Force	Program Manager
27. Robin Bartholow	North Coast Builders Exchange	Workforce Development Director
28. Amber Twitchell	On the Move -- V.O.I.C.E.S. Sonoma	Associate Director
29. Mick Menendez	Pacific Advisors	Director of Advanced Planning
30. Elece Hempel	Petaluma People Services Center	Executive Director
31. Socorro Shiels	Santa Rosa City Schools	Superintendent
32. Craig Schwartz	Santa Rosa Police Department	Chief
33. Steven Herrington	Sonoma County Office Of Education	Superintendent of Schools
34. Mike Kallhoff	United Way of the Wine Country	President and CEO



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: Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Permit and Resource Management Department

Staff Name and Phone Number:

Ben Neuman 565-2123

Supervisorial District(s):

All

Title: Abandoned Vehicle Abatement Program Extension

Recommended Actions:

Adopt a resolution extending the Abandoned Vehicle Abatement Program until April 30, 2025.

Executive Summary:

In 1990, the State of California enacted legislation allowing for the creation of county-based abandoned vehicle abatement service authorities pursuant to the provisions of Section 22710 of the California Vehicle Code.

As authorized under Resolution 94-1207, the Sonoma County Abandoned Vehicle Abatement Service Authority was formed in 1994 and a one dollar annual vehicle registration fee was imposed on vehicles registered to an owner with an address in the County of Sonoma.

Vehicle registration fees are collected by the Department of Motor Vehicles and allocated to the Sonoma County Abandoned Vehicle Abatement Service Authority by the State Controller pursuant to Section 9250.7 of the California Vehicle Code. Fees are then allocated to ten (10) participating entities on the basis of percentage of population and percentage of vehicles abated in relation to the total vehicles abated by the Service Authority as a whole. Current Sonoma County Abandoned Vehicle Abatement Service Authority entities are: County of Sonoma, Cities of Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma and the Town of Windsor. Last year the Service Authority received and distributed \$469,130, which provided for the abatement of a total of 2,006 abandoned vehicles from private and public properties throughout Sonoma County.

Each participating member contracts with a tow operator certified by the California Highway Patrol to remove and dispose of abandoned vehicles. Every vehicle removed under this program is crushed or dismantled and recycled to the greatest extent possible. Vehicles abated under this program cannot be restored for use.

Section 9250.7 (g) limits the one dollar fee imposed to a period of 10 years from the date the actual collection of the fee commenced. The fee may be extended in increments of up to 10 years if the Board

of Supervisors of the County, and a majority of the cities having a majority of the incorporated population within the county, adopt resolutions providing for the extension of the fee.

Resolution 04-1104 was approved on November 30, 2004, extending the program which is currently set to expire on April 30, 2015. Currently, all participating cities are on track to have an approved resolution from their respective city councils to extend the program. Adoption of the attached resolution is required to extend this important and effective program.

Prior Board Actions:

Resolution dated November 30, 2004
 Resolution dated August 16, 1994

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

Abatement of abandoned junk vehicles from public roadways and private property increases traffic safety and removes potential hazards for inquisitive children, reduces the possibility of ground and surface water contamination caused by vehicles leaking fluid and increases property values.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 494,200		\$
Add Appropriations Req'd.	\$	State/Federal	\$ 494,200
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$	Interest on Pooled Cash	\$
Total Expenditure	\$ 494,200	Total Sources	\$ 494,200

Narrative Explanation of Fiscal Impacts (If Required):

State revenue generated from the abandoned vehicle registration fees offset program expenditures.

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:
Draft Board of Supervisors Resolution
Related Items "On File" with the Clerk of the Board:
None.



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

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Permit and Resource Management

Staff Name and Phone Number:

Laurel Putnam 707-565-3714

Supervisorial District(s):

Fifth

Title: Primrose Avenue Right-Of-Way Vacation; ENP14-0002

Recommended Actions:

Adopt a resolution to vacate right-of-way over a portion of Primrose Avenue south and west of Santa Rosa.

Executive Summary:

On June 30, 2014, the Permit and Resource Management Department (PRMD) received an application for a Petition for Vacation of Public Easement/Public Right-of-Way (Attachment B), requesting the vacation of the unnamed right-of-way over a portion of what is currently known as Primrose Avenue from Scenic Avenue to its terminus at the northerly end of the Santa Rosa Farms No. 4 subdivision (Attachments C and D). The petition was submitted by Jim Dickey, P.L.S. as representative for the applicant, Harvey Rich of Davis Preserve L.L.C. who was acting on behalf of the property owners Andre and Solange S. Gabany, Trustees. The basis for the request is that the right-of-way serves no prospective public purpose because there is no development north of Scenic Avenue. The parcels adjoining the right-of-way proposed to be vacated are owned by the same persons and, therefore, no non-petitioner access rights are affected. Additionally, Primrose Avenue as it extends towards this area from the north would not line up and could therefore not connect with the Primrose Avenue that is the subject of this right-of-way vacation without purchase of additional right-of-way. The two rights-of-way are separated by almost 612 feet of privately owned land.

The Streets and Highways Code, at Division 9, Part 3, Chapter 4, provides a process for a local agency to consider the summary vacation of public streets, highways and public easements. Section 8331 of the Streets and Highways Code provides for summary vacation if the legislative body of a local agency finds that the following conditions exist:

- (a) For a period of five consecutive years, the street or highway has been impassible for vehicular travel; and
- (b) No public money was expended for maintenance on the street or highway during such period.

In response to the application, Staff reviewed the material submitted, investigated the site, reviewed the public records and provided notice to public utilities in the area and determined that the conditions of Streets and Highways Code section 8331 exist to allow vacation of a portion of the unnamed right-of-way currently known as Primrose Avenue. Specifically, the property is not presently improved with a street and has been fenced off for at least ten consecutive years, making it impassible for vehicular traffic and no public money has been expended for maintenance on the subject portion of Primrose Avenue during the ten-year period.

The application was initially processed under the general vacation procedures but later determined to qualify for summary vacation procedures as long as the portion of the right-of-way being summarily vacated covered only that portion north of an existing guy wire and guy anchor. The legal description was amended accordingly.

1. The applicant has also submitted a second application to vacate the remaining portion of Primrose Avenue north of Scenic Avenue as a general vacation which will be processed by separate action at a future date for that portion not covered by the summary vacation process.
2. County staff researched the subject right-of-way and determined that the County has an interest (a right-of-way) to consider vacating. The subject area is shown as public right-of-way on the Sonoma County Assessor Parcel Map (Book 134, Page 22) and is also shown as public right-of-way on "Plan of Subdivision of Santa Rosa Farms No. 4," Book 27 of Maps, Page 25, Sonoma County Records (Attachment D). The right-of-way was dedicated and accepted on the "Santa Rosa Farms No. 4" map in April 1912.
3. A field review was conducted by PRMD staff. Staff observed a pasture or field currently being utilized for cattle grazing with a fence line that represented the alignment of the road right-of-way. The surface was cracked adobe clay with fairly sizeable fissures covered with grasses and weedy vegetation. A photo exhibit prepared by the applicant's representative is included as Attachment E.
4. Notification of the proposed vacation of the subject right-of-way was sent to the Comprehensive Planning Division of PRMD, in conformance with Section 65402 of the Government Code, and a General Plan Consistency Analysis Determination was requested. The proposed vacation of the subject right-of-way was determined to be consistent with the General Plan (Attachment F).
5. The proposed summary vacation of land pursuant to Section 8331 of the Streets and Highways Code is not a project pursuant to CEQA and to the extent it may be held to constitute a project, it is exempt pursuant to CEQA Guidelines, section 15061(b)(3) because it does not have the potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment.
6. Notification of the proposed vacation was sent to all County departments and public agencies with a potential interest in the subject right-of-way prior to the change in direction from a general vacation to a summary vacation. No objections have been received as of August 20, 2014 and none are anticipated.
7. Notification of the proposed vacation was sent to all public and private utilities with a potential interest in the subject right-of-way. Pacific Gas and Electric (P.G.&E.) verbally confirmed that the only utility they have in this portion of Primrose Avenue is the guy wire and guy anchor which has been excluded from this summary vacation. No other utilities notified have responded.
8. Notification of the proposed vacation was sent to all owners of neighboring parcels located in an

area in excess of 300 feet of the subject right-of-way. Again, the noticing was completed prior to the change from a general vacation to a summary vacation. Summary vacations do not require public noticing, however the same parties have been notified by mail that the vacation of this right-of-way was set for the Board's consent calendar for today's date. Based upon the original noticing, staff received nine inquiries for information regarding the vacation. Once staff spoke to the parties making inquiries, none of them contested the right-of-way vacation.

Accordingly, staff recommends the adoption of the Resolution to Approve the Petition to summarily vacate a portion of the unnamed road currently known as Primrose Avenue as more fully described in the legal descriptions attached as exhibits attached to the Resolution.

Prior Board Actions:

None

Strategic Plan Alignment Goal 4: Civic Services and Engagement

By vacating the subject right-of-way, the County will align public service (eliminating the liability of an unimproved right-of-way and preventing a future public road to be constructed on environmentally sensitive land) with the community need of areas to be set aside for mitigation banking if the property owners move forward with the stated proposed use.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

N/A

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:
<ul style="list-style-type: none"> A) Attachment A, Resolution with Exhibits A and B B) Attachment B, Petition for Vacation of Public Easement/Public Right-of-Way with attachments C) Attachment C, Vicinity Map D) Attachment D, "Plan of Subdivision of Santa Rosa Farms No. 4" (Book 27 of Maps at Page 25, Sonoma County Records) E) Attachment E, Surveyor Prepared Photo Exhibit F) Attachment F, General Plan Consistency Determination
Related Items "On File" with the Clerk of the Board:
None



County of Sonoma

State of California

Date: September 16, 2014

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, To Approve The Petition To Summarily Vacate A Portion Of Unnamed Right-of-way Currently Known As Primrose Avenue In The Unincorporated Territory Of The County Of Sonoma, As Shown On "Plan Of Subdivision Of Santa Rosa Farms No. 4," Book 27 Of Maps, Page 25, Sonoma County Records And More Specifically Described In Exhibits A and B.

Whereas, Division 9, Part 3, Chapter 4 of the California Streets and Highways Code (Section 8330 et seq.) provides a process for a local agency to consider the summary vacation of public streets, highways, and public easements; and

Whereas, a petition was filed with this Board to vacate a portion of an unnamed right-of-way currently known as Primrose Avenue in the unincorporated territory of the County of Sonoma generally described as lying 18' north of the northerly right-of-way line of the public road currently know as Scenic Avenue, to its terminus at the north end of the "Plan of Subdivision of Santa Rosa Farms No. 4," Book 27 of Maps, Page 25, Sonoma County Records and more precisely identified in the legal description and map attached hereto as Exhibits A and B; and

Whereas, this Board has reviewed the report of the Permit and Resource Management Department (P.R.M.D.) Comprehensive Planning Division concluding that the vacation is consistent with the General Plan; and

Whereas, pursuant to the provisions of Streets and Highways Code Section 8334.5, no public utility facilities are in use that would be affected by the vacation of that portion of Primrose Avenue as set forth in Exhibits A and B; and

Whereas, after considering the application, this Board determined that the portion of unnamed right-of-way currently known as Primrose Avenue may be summarily vacated because the Board determines that the vacation is consistent with the General Plan, the right-of-way is unnecessary for present or prospective use and meets the criteria of Streets and Highways Code section 8331 because it has been fenced off for at least ten consecutive years making it impassible for vehicular traffic and no public money has been expended for maintenance on the subject portion of Primrose Avenue during such

Resolution #

Date:

Page 2

ten-year period; and

Whereas, the vacation of the described portion of Primrose Avenue is not a project pursuant to CEQA and its Guidelines and, to the extent it may be held to constitute a project, it is exempt pursuant to CEQA Guidelines section 15061(b)(3).

Now, Therefore, Be It Resolved that the Board of Supervisors find and determines that all of the facts previously stated are true and correct.

Be It Further Resolved the Board of Supervisors finds that the portion of unnamed right-of-way currently known as Primrose Avenue in the unincorporated territory of the County of Sonoma, as described in the attached legal description and shown on the attached maps, Exhibits A and B is not necessary for present or prospective public use, has been impassible for vehicular traffic for at least ten years and that no public money was expended for maintenance on the street or highway during such period pursuant to Streets and Highways Code Section 8331, and that summary vacation is hereby ordered.

Be It Further Resolved that the Board of Supervisors finds that the proposed vacation is consistent with the General Plan.

Be It Further Resolved that the Board of Supervisors finds the proposed vacation request is in the public interest.

Be It Further Resolved that the Board finds that the vacation is not a project pursuant to CEQA Guidelines sections 15060(c)(2), 15060(c)(3) and 15378 because it does not have the potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment. In the alternative, to the extent the activity may be held to constitute a project, the Board finds it exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Be It Further Resolved that the Clerk of the Board of Supervisors is hereby authorized and directed to send a certified copy of this resolution, attested by the Clerk under seal per Streets and Highways Section 8336, to the Office of the County Recorder who is hereby directed to record this Resolution at no cost to the County as provided under Government code section 6103.

Be It Further Resolved that from and after the date of recording, the portion of the Unnamed right-of-way currently know as Primrose Avenue in the unincorporated territory of the County of Sonoma, as described in Exhibits A and B shall no longer exist.

Supervisors:

Resolution #

Date:

Page 3

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

EXHIBIT "A"

All that portion of that right of way currently known as Primrose Avenue, shown as an unnamed 40' wide public right-of-way lying between Lots 335 through 337 and 344 through 346, on that map titled "Plan of Subdivision of Santa Rosa Farms No. 4", filed in Book 27 of Maps at Page 25, Official Records of Sonoma County, lying northerly of line 18.00 feet northerly of the projections of the southerly lines of Lots 337 and 344, said southerly lines being the northerly right of way of that road currently known as Scenic Avenue.

This legal description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Stephen M. Fredericks, Exp. 12/31/2014



Vicinity Map



Assessor's Parcel Map

AP Map Page 134-22



*Right-of-way to be vacated:
Unnamed Right-of-way currently
known as Primrose Ave*

Site Map

PLAN OF SUBDIVISION OF SANTA ROSA FARMS N^o 4 SONOMA COUNTY, CALIF. SURVEYED AND DRAWN UNDER THE DIRECTION T. B. McNAMARA, CO. SURVEYOR





COUNTY OF SONOMA PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

PETITION FOR VACATION OF PUBLIC EASEMENT/PUBLIC RIGHT-OF-WAY

Please Type or Print

GENERAL INFORMATION

LOCATION OF PROJECT/ADDRESS 525 & 605 Scenic Ave., Santa Rosa	ASSESSORS PARCEL NUMBER(S) 134-221-005 134-222-001	ZONING RR B6 5
NAME OF PROPOSED PROJECT (If Applicable) Primrose Ave Vacation		GENERAL PLAN DESIGNATION Very Low Residential
APPLICANT NAME Harvey Rich	BUSINESS PHONE (415) 472 - 1086	HOME PHONE () -
APPLICANT ADDRESS 336 Bon Air Center, Suite 232	CITY Greenbrae	STATE ZIP CA 94904
APPLICANT REPRESENTATIVE (If Applicable) Jim Dickey - Cinquini & Passarino, Inc.	BUSINESS PHONE (707) 542 - 6268	HOME PHONE () -
APPLICANT REPRESENTATIVE ADDRESS 1360 North Dutton Ave, Suite 150	CITY Santa Rosa	STATE ZIP CA 95401
PROPERTY OWNER NAME (SIGNATURE REQUIRED BELOW) Andre Gabany & Solange S. Gabany (Trustees)	BUSINESS PHONE () -	HOME PHONE () -
PROPERTY OWNER ADDRESS 376 Riviera Drive	CITY San Rafael	STATE ZIP CA 94901

EASEMENT/RIGHT-OF-WAY DESCRIPTION

PURPOSE FOR REQUESTING VACATION Removal of right-of-way enables the owner to use the entire land as a bank for California Tiger Salamander credits
PROPOSED NEW USE California Tiger Salamander Reserve/Credit Bank
STATE WHY EASEMENT OR RIGHT-OF-WAY IS NO LONGER OF NECESSITY TO THE PUBLIC Primrose Ave. does have an outlet to the north of Scenic Ave. The right-of-way does not serve a purpose because there is no development north of Scenic Ave.

SUBMITTAL INFORMATION:

- Name, address & phone number of local water company.
- List of names & addresses of recorded property owners requesting the proposed vacation (if available).
- Vicinity map with North arrow.
- Map of all property adjoining the boundaries of the proposed vacation showing:
- Easement or right-of-way to be vacated;
 - Location of all known public utilities;
 - Existing use of property adjoining proposed vacation;
 - Assessor's parcel number of each parcel shown;
 - Existing use of the right-of-way by abutting properties.
- NO WATER COMPANY*

PROPERTY OWNER'S CONSENT - I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Andre Gabany
Andre Gabany, as Trustee of the Andre Gabany Living Trust,
as to a 1/2 undivided interest.

Solange S. Gabany
Solange S. Gabany, as Trustee of the Andre Gabany Living Trust,
as to a 1/2 undivided interest.

FOR DEPARTMENT USE ONLY

DATE APPLICATION RECEIVED 6/30/2014	APPLICATION RECEIVED BY: <i>Laurel Rutledge</i> SURM-0038
--	--

LAW OFFICES OF
CLEMENT, FITZPATRICK & KENWORTHY
 INCORPORATED
 3333 MENDOCINO AVENUE, SUITE 200
 SANTA ROSA, CALIFORNIA 95403
 FAX: 707 546-1360

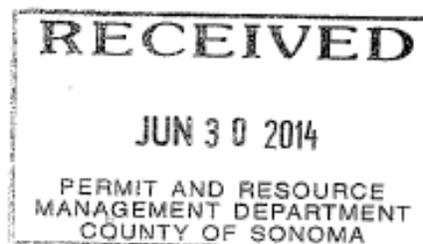
TELEPHONE: (707) 523-1181

STEPHEN K. BUTLER

June 30, 2014

HAND DELIVERED

Laurel Putnam, Engineering Technician III
 Sonoma County PRMD
 2550 Ventura Avenue
 Santa Rosa, CA 95403



Re: *Request for Primrose Avenue Road Vacation*

Dear Ms. Putnam:

I represent Davis Preserve, LLC ("Preserve"). Harvey Rich, the managing member of the Preserve has requested vacation of the County's easement for the portion of Primrose Avenue running through Assessor's Parcel Numbers 134-221-005 and 134-222-001. A map showing both the property and the portion of Primrose Avenue bisecting the property is enclosed for your reference. As you can see from the map, the portion of Primrose Avenue bisecting the property does not have an outlet to the north of Scenic Avenue. The right-of-way serves no prospective public purpose because there is no development north of Scenic Avenue.

The property through which Primrose Avenue runs contains two protected species, Sonoma Sunshine, an endangered plant, and California Tiger Salamander ("CTS"). Any future improvements to Primrose Avenue would not only fail to serve any public purpose, but would also require consultation and mitigation for the two protected species. Improvement of the present alignment of Primrose Avenue, which runs directly through wetlands on the property, would further trigger U.S. Army Corps of Engineers' consultation and additional mitigation. It is the intention of the applicant to put the entirety of the property to its only logical use, namely a preserve for the wetlands, California Tiger Salamander and Sonoma Sunshine.

The portion of Primrose Avenue sought to be vacated meets the criteria for summary vacation set forth in California Streets and Highway Code Section 8331 for the following reasons:

- The property is not presently improved with a street and has been fenced off for at least ten consecutive years, making it impassible for vehicular travel.
- Additionally, no public money has been expended for maintenance on the subject portion of Primrose Avenue during such ten-year period and quite likely for many years before.

Laurel Putnam, Engineering Technician III
Sonoma County PRMD
June 30, 2014
Page 2

- The portion of Primrose Avenue sought to be vacated lies entirely on the APNs referenced above and does not connect to a public street or private road to the north.

Thank you for your time and consideration in connection with our request. Once you or your staff have reviewed the merits of the application and, assuming you deem it to be meritorious, would you please let us know the approximate timeline for processing and completing the summary vacation? Jim Dickey, who prepared the application, and I are available to meet with you at your convenience.

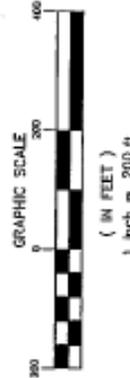
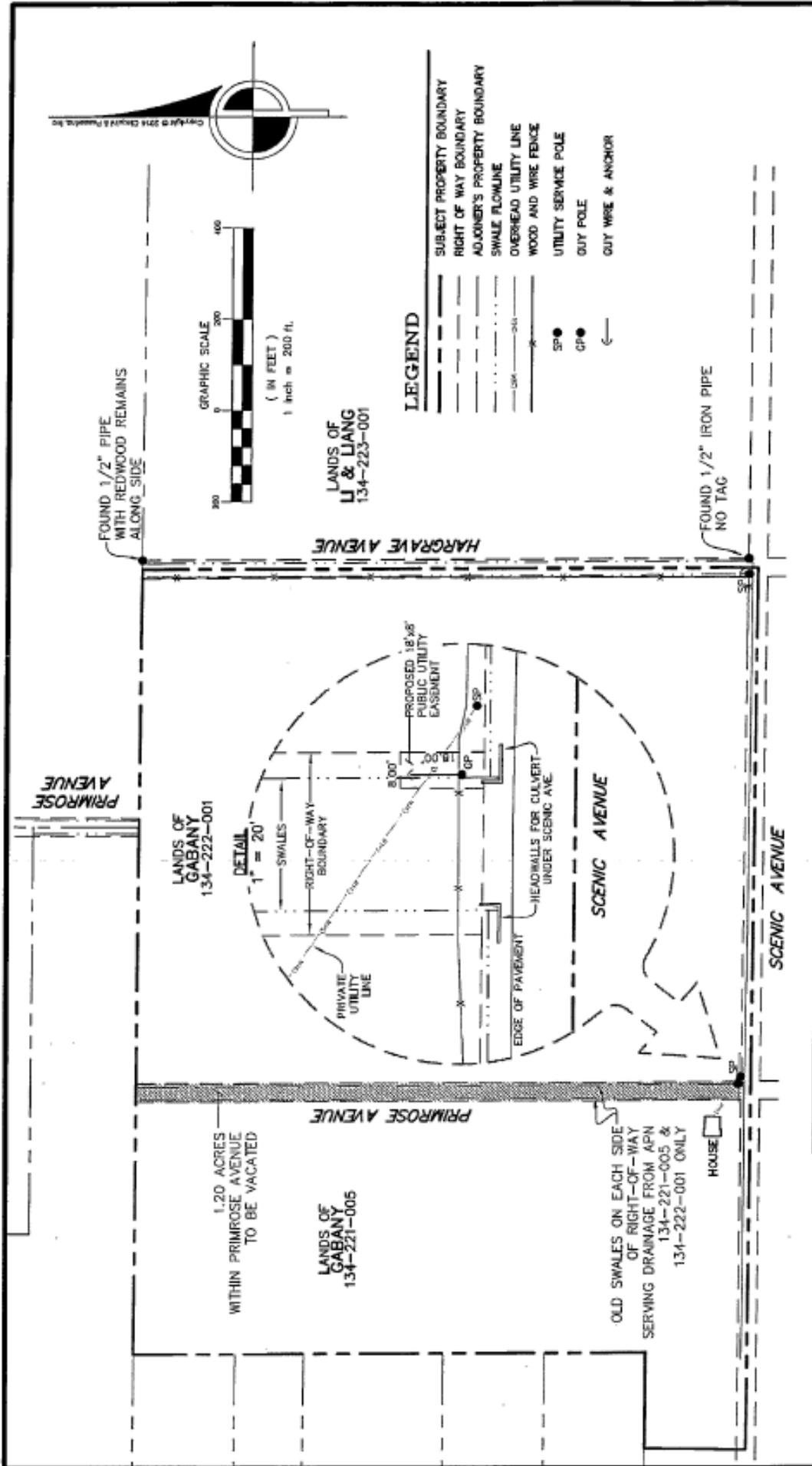
Should you have any questions, please feel free to contact me.

Very truly yours,



STEPHEN K. BUTLER

SKB/pd
enclosure
c(w/enc.): Susan Klassen
Director of Transportation & Public Works
Harvey Rich



LEGEND

- SUBJECT PROPERTY BOUNDARY
- - - RIGHT OF WAY BOUNDARY
- - - ADJACENT'S PROPERTY BOUNDARY
- - - SWALE FLOWLINE
- - - OVERHEAD UTILITY LINE
- - - WOOD AND WIRE FENCE
- SP UTILITY SERVICE POLE
- GP GUY POLE
- ← GUY WIRE & ANCHOR

LANDS OF
LI & LIANG
134-223-001

CINQUINI & PASSARINO, INC.
LAND SURVEYING

1360 N. Dutton Ave. #150 Phone: (707) 542-8268
Santa Rosa, Ca. 95401 Fax: (707) 542-2106
WWW.CINQUINIPASSARINO.COM

DRAWN BY: MDD	CHECKED BY: JMD
SCALE: 1"=200'	
SHEET: 1 OF 1	JOB NUMBER: 5824-07
DWG. FILE: e:\1007\1024\1024\1024\1024\1024\1024.dwg	
DATE: 10-25-2014	
TIME: 2:21pm	

Job Name:	Davis Preserve Gabany Property - 525 and 605 Scenic Ave
Description:	Roadway Area

1.20 ACRES
WITHIN PRIMROSE AVENUE
TO BE VACATED

LANDS OF
GABANY
134-221-005

OLD SWALES ON EACH SIDE
OF RIGHT-OF-WAY
SERVING DRAINAGE FROM APN
134-221-005 &
134-222-001 ONLY

HOUSE

FOUND 1/2" PIPE
WITH REDWOOD REMAINS
ALONG SIDE

FOUND 1/2" IRON PIPE
NO TAG

LANDS OF
GABANY
134-222-001

DETAIL
1" = 20'

HARGRAVE AVENUE

PRIMROSE AVENUE

PRIMROSE AVENUE

SCENIC AVENUE

SCENIC AVENUE

PROPOSED 18'x8'
PUBLIC UTILITY
EASEMENT

8'00"

RIGHT-OF-WAY
BOUNDARY

SWALES

PRIVATE
UTILITY
LINE

EDGE OF PAVEMENT

HEADWALLS FOR CULVERT
UNDER SCENIC AVE

GP

SP

GP

SP

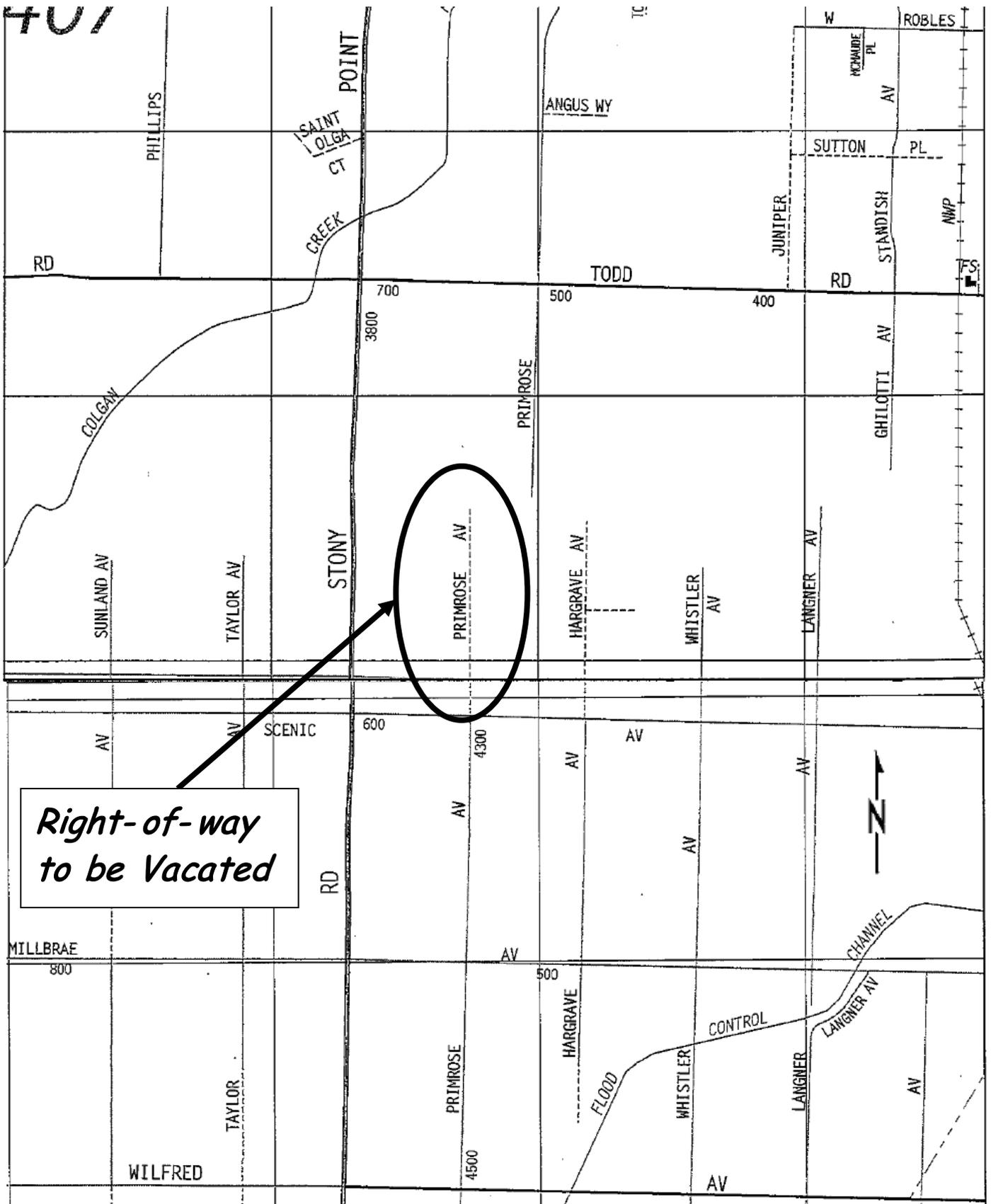
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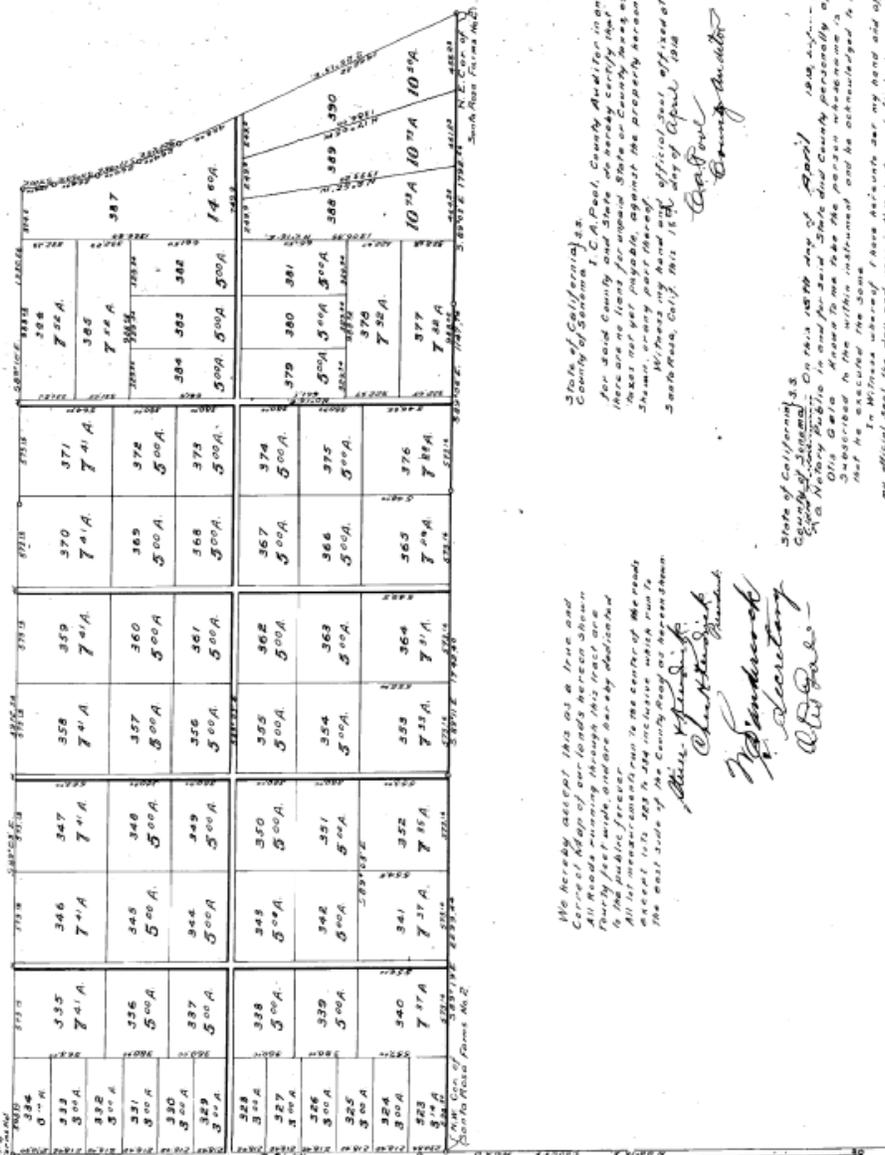
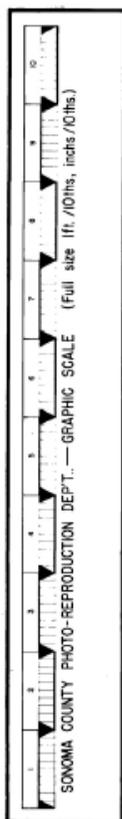


*Right-of-way
to be Vacated*

VICINITY MAP

27-25

PLAN OF
SUBDIVISION OF
SANTA ROSA FARMS NO 4
SONOMA COUNTY, CALIF.
Surveyed and Drawn
by
T. B. McNAMARA, Civil Surveyor



Scale 400 ft to 1 inch

Records at Request of
Steve Volinick, April 23, 1912
at 32 Davis, Box 2, Oct 26, 1911.
J. B. Nye
County Recorder

Surveyed during Feb & March 1912
under my direction
T. B. McNamara
Civil Surveyor

We hereby accept this as a true and correct copy of our records herein shown. All roads running through this tract are forty feet wide, and are hereby dedicated to the public forever. Witness my hand and the seal of the County of Sonoma, California, this 15th day of April, 1912.

Steve Volinick
County Recorder

W. J. Henderson
Secretary

State of California ss.
County of Sonoma, I, C. A. Pool, County Auditor in and for said County and State do hereby certify that there are no liens for unpaid State or County taxes against the property herein shown. Witness my hand and the seal of said County, California, this 15th day of April, 1912.

C. A. Pool
County Auditor

State of California ss.
County of Sonoma, I, C. A. Pool, County Auditor in and for said County and State do hereby certify that there are no liens for unpaid State or County taxes against the property herein shown. Witness my hand and the seal of said County, California, this 15th day of April, 1912.

C. A. Pool
County Auditor

City of Sonoma, California ss.
I, J. B. Nye, County Recorder, do hereby certify that the above described lots are the same as those shown on the map of Santa Rosa Farms No. 4, Sonoma County, California, filed for record in the office of the County Recorder on the 15th day of April, 1912.

J. B. Nye
County Recorder

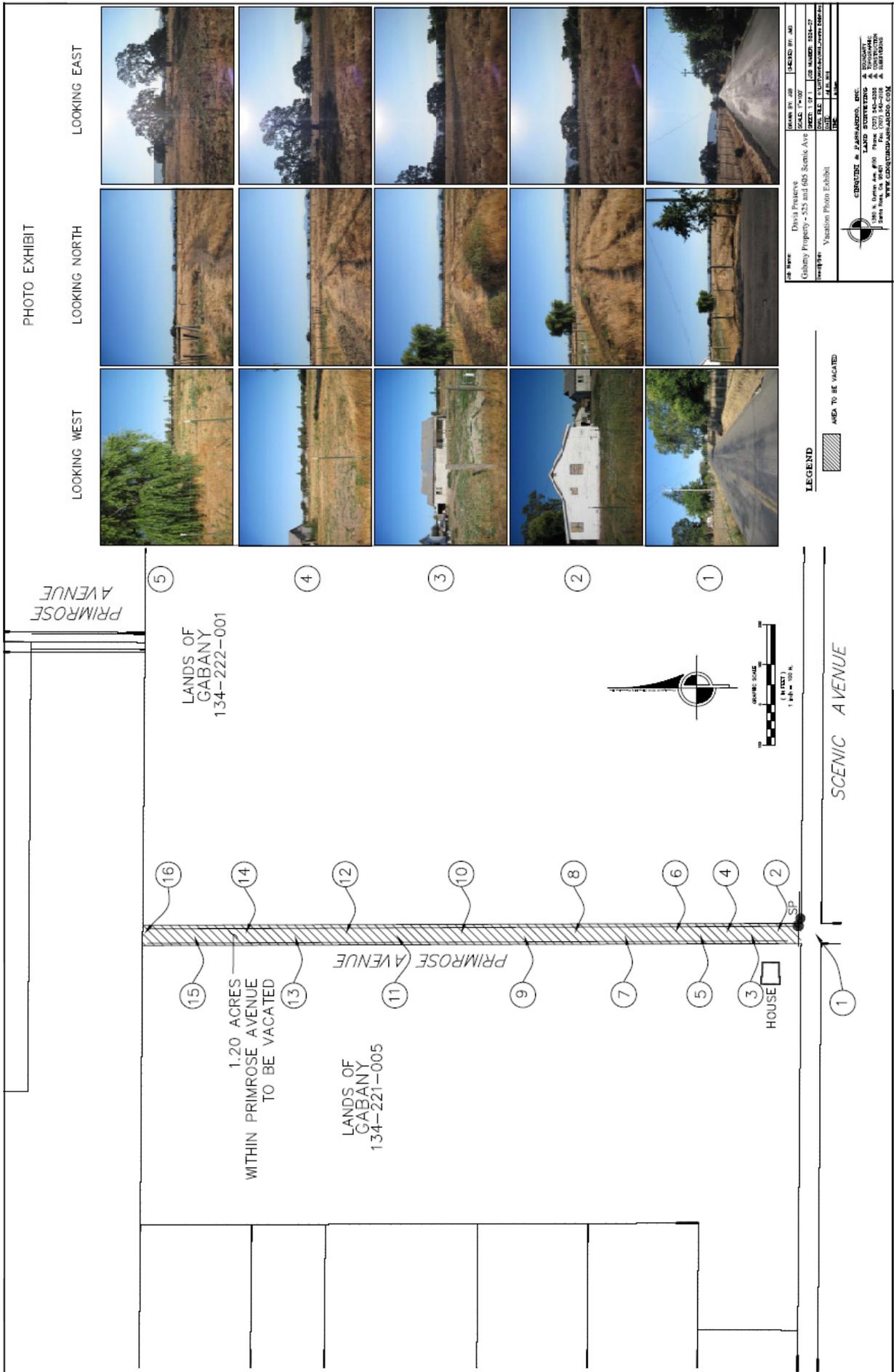
Notary Public in and for said State, City & County of Sonoma, California ss.
I, J. B. Nye, County Recorder, do hereby certify that the above described lots are the same as those shown on the map of Santa Rosa Farms No. 4, Sonoma County, California, filed for record in the office of the County Recorder on the 15th day of April, 1912.

J. B. Nye
County Recorder

In the presence of the Board of Supervisors of Sonoma County, California, and on this 23rd day of April, 1912, I, the undersigned, County Auditor, in and for said County and State, do hereby certify that there are no liens for unpaid State or County taxes against the property herein shown. Witness my hand and the seal of said County, California, this 15th day of April, 1912.

C. A. Pool
County Auditor

J. B. Nye
County Recorder





SURVEYOR PREPARED PHOTO EXHIBIT



COUNTY OF SONOMA PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

GENERAL PLAN CONSISTENCY DETERMINATION

(Unless otherwise indicated all references are to the Sonoma County General Plan.)

To: Laurel Putnam

From: Misti Harris, Planner II

Date: August 5, 2014

Project Applicant: Harvey Rich *emh*

Project Name and File Number(s): PPR 14-18-03 & SUR14-0038

Project Location/APN #: Undeveloped portion of Primrose Avenue north of Scenic Avenue, Santa Rosa; APNs 134-221-005 and 134-222-001.

General Plan: Rural Residential

Zoning: RR-B6-5-VOH

Project Description: The project involves the vacation of an approximately 40' wide strip of public right of way between Scenic Avenue and APN 134-161-039.

General Plan Consistency: Consistent.

Analysis

The General Plan Open Space Element does not show this area as being proposed for trails, bike lanes, or parkland.

The General Plan Circulation Element (Figure CT-4e) does not show this land as being a part of the County's arterial or collector circulation system. There are not any General Plan policies specific to Primrose Avenue. Primrose Avenue, north of Scenic Avenue, crosses two parcels and terminates at APN 134-161-039.

This property is subject to the South Santa Rosa Area Plan. There are no Area Plan policies specific to Primrose Avenue.

The General Plan does not appear to preclude the vacation of this right of way.

- c. Project Referral
- Aerial Photo
- ArcGIS Property Report

GENERAL PLAN CONSISTENCY DETERMINATION



County of Sonoma Agenda Item Summary Report

Agenda Item Number: 22
(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 of Sonoma County
Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Permit and Resource Management Department and
Sonoma County Agricultural Preservation and Open Space District

Staff Name and Phone Number:

Traci Tesconi, PRMD 565-1903
Sara Press/Misti Arias, SCAPOSD 565-7368/7264

Supervisory District(s):

Fourth

Title: Replacement of Land Conservation Contract with Open Space Easements and Acceptance of Open Space Easements, Hall T-T, LLC., MJS04-0006

Recommended Actions:

For the Board of Supervisors to adopt a Resolution to:

1. Approve and authorize Chair to execute an agreement for the rescission and simultaneous replacement of a Land Conservation Contract with two Open Space Easements pursuant to Gov. Code Section 51255, for 424 acre parcel owned by Hall T-T, LLC and located at 2457 Wilson Road, Geyserville, as a Condition of Approval for a previously approved Major Subdivision of the Hall T-T, LCC. PRMD File No. MJS04-0006.
2. Receive report from PRMD on General Plan consistency of the proposal pursuant to Gov. Code Section 51085, and find that restriction of the 424 acre parcel with two Open Space Easements, one over 421.5 acres and another over 2.5 acres, will substantially conform to the Land Conservation Act, Open Space Easement Act of 1974, and the Conditions of Approval for MJS04-0006.
3. Approve and accept grant of the 2.5 acre Open Space Easement to the County of Sonoma, and authorize the Chair of the Board to execute the easement and Certificate of Acceptance.
4. Authorize the Chair to execute a Certificate of Final Rescission of Land Conservation Contract conditioned on the recordation of the 421.5 acre and 2.5 acre Open Space Easements, and direct PRMD to file a Notice of Determination under CEQA.
5. Approve grant of the 421.5 acre Open Space Easement to the Sonoma County Agricultural Preservation and Open Space District.

For the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District to adopt a Resolution to:

6. Approve and accept grant of the 421.5 acre Open Space Easement to the Sonoma County Agricultural Preservation and Open Space District (District), authorize President of the Board of Directors to

execute easement and Certificate of Acceptance, and direct the District to file a Notice of Exemption under CEQA.

Executive Summary:

Background:

In 2006, when the property owners of a 424 acre parcel filed for a subdivision, they also requested to replace their existing Land Conservation Contract with an Open Space Easement, as allowed under State law. Due to a subsequent boundary dispute with a neighbor, a lot line adjustment is in process that will result in a change of property ownership of 2.5 acres of the 424 acre parcel. Due to the pending transfer of ownership of the 2.5 acres, it was determined that two Open Space Easements are required to replace the existing Land Conservation Contract.

Approval of Subdivision and Condition of Approval to Rescind and Replace Land Conservation Contract with Open Space Easement

On May 6, 2006, Hall Financial Group, on behalf of Hall T-T, L.L.C., filed an application with the Sonoma County Permit and Resource Management Department (PRMD) requesting: 1) to subdivide 424 acres into ten lots ranging from approximately 40 to 50 acres in size each; and 2) to rescind the existing prime (Type I) Land Conservation Contract on the property and replace it with a perpetual Open Space Easement (pursuant to Section 51255 of the Government Code) recorded over the entire 424-acre property located at 2457 Wilson Road, Geyserville, A.P.N. 131-040-021. On April 10, 2007, the Board of Supervisors approved the Tentative Map, a Mitigation Monitoring Program and the final Conditions of Approval for the subdivision (Refer to Board Resolution 07-0274, Exhibit B). The final Conditions of Approval include conveyance of an Open Space Easement to the District.

Boundary Line Dispute and Pending Lot Line Adjustment Application

Subsequent to the Board's April 2007 action, a boundary line dispute arose between Hall and neighboring property owner Browne. The parties have applied for a Lot Line Adjustment of 2.5 acres of the 424 acre parcel to be added to lands of Browne. To facilitate such a Lot Line Adjustment, Hall proposes to replace the existing Land Conservation Contract with two Open Space Easements instead of one to restrict the 424 acres. The first Open Space Easement will restrict 421.5 acres and be perpetual. The second Open Space Easement will restrict the remaining 2.5 acres that are the subject of the pending Lot Line Adjustment, and will be for a ten-year automatically renewing term. Both easements satisfy the requirements of the Open Space Easement Act of 1974 and the Land Conservation Act.

Two Open Space Easements To Replace Land Conservation Contract:

The original Condition of Approval requires an Open Space Easement in perpetuity over the entire 424 acre parcel. Because of the boundary line dispute and pending Lot Line Adjustment, the two easement approach provides clarity to each owner, and subsequent owners in the chain of title, regarding the restriction on the 421.5 and 2.5 acre portions of the 424 acre parcel, before and after any Lot Line Adjustment.

Staff recommends that the Board find that the two easements would together substantially conform to the condition requiring one easement because more than 99% of the parcel will be restricted by an Open Space Easement in perpetuity, while less than 1% of the parcel will be restricted by an Open Space Easement with a term at least as long as the existing Land Conservation Contract. For the same reasons, the use of two easements to restrict the land under the existing Land Conservation Contract substantially conforms to the Land

Conservation Act, Government Code Section 51255, which dictates that an Open Space Easement will replace a Land Conservation Contract.

District staff have reviewed the 421.5-acre Open Space Easement (421.5-acre O.S.E.) and determined that the lands to be protected have important open space values appropriate for preservation and confirmed that the terms of the O.S.E. meet District requirements. County staff have reviewed the 2.5 acre Open Space Easement (2.5 acre O.S.E.) and determined that the lands to be protected have important open space values appropriate for preservation.

On April 10, 2007, by Resolution No. 07-0274, the Board of Supervisors made required findings to permit the approval and acceptance of the grant of an Open Space Easement under the Open Space Easement Act of 1974, Government Code §51084, for the 424 acres, and to permit the rescission and replacement of the existing Land Conservation Contract with such an Open Space Easement.

Neither the County nor the District will provide compensation to the owners for the grant of either easement. The Final Map cannot be recorded until the two Open Space Easements are approved by the Board of Supervisors and recorded at the County Recorder's Office.

Per Board of Supervisors Resolution No. 91-0522, the District is required to accept open space easements given through the County's land use project approval process. The District will hold the 421.5-acre perpetual open space easement. However, the County will hold the 2.5-acre easement with the 10-year automatically renewing term, which means the easement will roll-over each year until it reaches its tenth year as being in effect. The District does not accept easements unless the term is perpetual.

Rescission of Land Conservation Contract and Simultaneous Replacement with Open Space Easements:

To ensure that the existing Land Conservation Contract is rescinded simultaneously with the granting of the replacement Open Space Easement, the documents will be recorded in the following sequence: (1) Agreement to Rescind and Replace Land Conservation Contract with Open Space Easements; (2) 421.5- acre Open Space Easement; (3) 2.5-acre Open Space Easement; and (4) Certificate of Cancellation of Land Conservation Contract.

Property:

The 424-acre property, located south of Geyserville, is comprised of oak woodlands (Refer to Tentative Map, Exhibit C). The property's rolling to steep hillsides are visible from Highway 101. The property is zoned LIA (Land Intensive Agriculture), 40 acre density, within the combining zones of Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), and VOH (Valley Oak Habitat).

Open Space Easements:

The 421.5-acre Open Space Easement will perpetually protect significant natural features by restricting the location of all residential structures located on each of the ten subdivision lots to a two-acre Building Envelope. If requested, one primary residence, one guest house, agricultural employee housing and farm-worker housing would be allowed within each Building Envelope. Administrative Design Review by a PRMD planner is required for all residential structures, except for agricultural exempt barns. Residential structures cannot exceed 35 feet in height. Agricultural barns exempt from standard building permits may be located outside a building envelope. Agricultural barns cannot exceed 40 feet in height.

All structures and improvements must be set back at least 50 feet from wetlands, waterways, serpentine soils, rock outcrops, and special-status species habitat. Agricultural crops must also be set back at least 50 feet from these areas, and shall not be planted, except for replanting, on slopes over 30%.

The Open Space Easement allows for continued use of the property for agriculture.

The 2.5-acre Open Space Easement will provide the same protections as the 421.5-acre Open Space Easement, except that it has the added restriction of no residential development, and is for a 10-year automatically renewing term. The 2.5-acre easement also allows for continued use of the property for agriculture.

Sonoma County General Plan 2020:

Recordation of the Open Space Easements is consistent with the County's General Plan 2020, specifically goals in the Land Use and Open Space and Resource Conservation Elements intended to:

1. Protect lands currently in agricultural production and lands with soils and other characteristics that make them potentially suitable for agricultural use. Retain large parcel sizes and avoid incompatible non-agricultural uses; and
2. Protect and enhance the County's natural habitats and diverse plant and animal communities, as well as riparian corridors and functions along streams.

District's Connecting Communities and the Land:

Recordation of the 421.5-acre Open Space Easements furthers several objectives and policies in the District's Long-Range Acquisition Plan, specifically to protect scenic lands that are visible from highly traveled roads and highways and that contribute to the county's rural character and sense of place; to protect lands important to local agricultural heritage; and to protect lands with large, unfragmented oak woodland and forest areas. Although the property will be divided into ten lots, each lot will be between 40 to 50 acres in size and significant development will be limited to two-acre Building Envelopes on each lot. The project thus allows for substantial areas of preserved habitat.

California Environmental Quality Act:

The Board of Supervisors previously adopted a Mitigated Negative Declaration for the subdivision and rescission and replacement of the existing Land Conservation Contract with an Open Space Easement.

The County's approval of both easements and acceptance of the 2.5-acre easement, and the District's approval and acceptance of the 421.5-acre easement are exempt from the California Environmental Quality Act (C.E.Q.A.) on several grounds. The purpose of the acquisition is to preserve fish and wildlife habitat (see C.E.Q.A. Guidelines Section 15313); to establish an Open Space Easement in order to maintain the open space character of the area (see C.E.Q.A. Guidelines Section 15317); and to preserve the existing natural conditions, including plant or animal habitats, and to allow continued agricultural use of the area (see C.E.Q.A. Guidelines Section 15325(a) and (b)).

Prior Board Actions:

On April 10, 2007, the Board of Supervisors approved the Tentative Map and Conditions of Approval for MJS04-0006, Hall T-T, LLC (Resolution No. 07-0274).

Strategic Plan Alignment

Goal 2: Economic and Environmental Stewardship

In 1990, Sonoma County residents voted to create the Agricultural Preservation and Open Space District to preserve land. By placing a perpetual Open Space Easement and a 10-year Open Space Easement on the subject property, without any monetary compensation, the working ranch with its scenic hillsides will be protected, consistent with the goals in the General Plan and the District's Acquisition Plan, as well as the County's Strategic Plan.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

There is no acquisition cost to the District or County.

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:

Draft Board of Supervisors Resolution
 Draft Agricultural Preservation and Open Space District Resolution
 Exhibit A: Location/General Plan Map
 Exhibit B: Board Resolution 07-0274 and Conditions of Approval for MJS04-0006, dated April 10, 2007
 Exhibit C: Tentative Map
 Exhibit D: APN Map

Related Items “On File” with the Clerk of the Board:

1. Open Space Easement – 421.5 acre
2. Open Space Easement – 2.5 acre
3. Certificate of Acceptance for SCAPOSD
4. Certificate of Acceptance for Sonoma County
5. Draft Notice of Exemption
6. Agreement For Rescission Of Land Conservation Contract And Replacement With Open Space Easements
7. Draft Certificate Of Final Rescission



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: County Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Sheriff's Office

Staff Name and Phone Number:

Marta Peavey 565-3928

Supervisorial District(s):

All

Title: Los Angeles County Reciprocal Intrastate Transportation of Prisoners Agreement

Recommended Actions:

Authorize the Chairperson to execute an agreement with Los Angeles County for the provision of reciprocal intrastate prisoner transportation services effective July 1, 2014, or upon execution by the Sheriff of Los Angeles County, whichever is later, through June 30, 2019, at no charge.

Executive Summary:

This item requests the Board to authorize the Chairperson to execute an agreement with Los Angeles County for reciprocal intrastate prisoner transportation services. This type of agreement is authorized under California Government Code Section 26775. No costs are associated with the agreement, however the Board's approval is required due to the mutual indemnification language.

Background. Persons are frequently arrested or detained in jurisdictions throughout the State of California on the authority of warrants issued from the County of Sonoma and the County of Los Angeles. Each county is responsible transporting its prisoners from the location where the prisoners are in custody to their respective county. The cost of operating these prisoner transportation systems is significant for both parties. The Sonoma County Sheriff's Office Transportation Unit and the Los Angeles County Sheriff's Department Transportation Bureau have coordinated efforts for many years to move prisoners from one location to another. This collaboration has resulted in increased operational efficiencies and considerable savings for both agencies. In July 2014, the Los Angeles County, the largest provider of prisoner transportation services in the State of California, requested that all participating agencies enter into a formal agreement for these services.

The Agreement outlines operational protocols, including how services will be requested, how delivery expectations will be communicated and mutually agreed, and limitations on service provision availability due to space or scheduling issues. The term of the agreement is from July 1, 2014 through June 30, 2019. Either party may terminate the agreement with 60 days advance notice.

The Sonoma County Sheriff's Transportation Unit budget for FY 14-15 is \$1,373,684. The unit has five positions allocated, including one working sergeant. As noted above, no costs are associated with the agreement. If the agreement is not approved Los Angeles County will not transport inmates to Sonoma County, which would result in increased inmate transportation costs for the County of Sonoma, or prisoners being released if they are not transported to Sonoma County within rigid timeframes established by law.

Prior Board Actions:

2/27/2007 – Los Angeles County Inmate Transportation Agreement

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

Entering into this contract will allow the Sheriff's Office to work collaboratively with other agencies for the safety of the community at no cost to the County.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 0		\$ 0
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 0	Total Sources	\$ 0

Narrative Explanation of Fiscal Impacts (If Required):

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:

Agreement for Reciprocal Intrastate Transportation of Prisoners

**AGREEMENT
BY AND BETWEEN
COUNTY OF LOS ANGELES AND COUNTY OF SONOMA
FOR RECIPROCAL INTRASTATE TRANSPORTATION OF PRISONERS**

THIS AGREEMENT, dated _____, 2014, is made by and between the County of Los Angeles and the County of SONOMA for the performance of reciprocal intrastate prisoner transportation services.

RECITALS

- (a) Persons are frequently arrested or detained in jurisdictions throughout the State of California on the authority of warrants issued from the County of SONOMA and the County of Los Angeles.
- (b) The County of SONOMA is responsible for the transportation of its prisoners from the location where the prisoners are in custody to the County of SONOMA. The County of Los Angeles is responsible for the transportation of its prisoners from the location where the prisoners are in custody to the County of Los Angeles. This process involves considerable cost to the parties.
- (c) The Los Angeles County Sheriff's Department operates a statewide prisoner transportation system with scheduled weekly trips throughout the State of California. The SONOMA County Sheriff's Office operates a prisoner transportation system with trips between counties within the state of California.
- (d) The County of SONOMA is desirous of contracting with the County of Los Angeles for the performance of prisoner transportation services by the Los Angeles County Sheriff's Department in or around the State of California, and in or around the County of

SONOMA. The Los Angeles County Sheriff's Department is willing, able, and desires to perform this service.

- (e) The County of Los Angeles is desirous of contracting with the County of SONOMA for the performance of prisoner transportation services by the SONOMA County Sheriff's Office between counties within the state of California. The SONOMA County Sheriff's Office is willing, able, and desires to perform this service.
- (f) An Agreement of this kind is authorized by Section 26775 of the California Government Code of Title 3, Division 2, Part 3, Chapter 2, Article 8.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for good and valuable consideration, the parties mutually agree as follows:

1.0 AGREEMENT SERVICES

The County of Los Angeles agrees, through the Los Angeles County Sheriff's Department, and the County of SONOMA agrees, through the SONOMA County Sheriff's Office, to provide reciprocal prisoner transportation services to one another at no charge for said services.

2.0 ADMINISTRATION OF PERSONNEL

2.1 The rendition of the services performed by the Los Angeles County Sheriff's Department, the standards of performance, the discipline of officers, and other matters incident to the performance of such services and the control of personnel so employed shall remain with the County of Los Angeles.

2.2 The rendition of the services performed by the SONOMA County Sheriff's Office, the standards of performance, the discipline of officers, and other matters incident

to the performance of such services and the control of personnel so employed shall remain with the County of SONOMA.

2.3 In the event of a dispute between the parties to this Agreement as to the extent of the duties and functions to be rendered hereunder, or the minimum level or manner of performance of such service, the other party shall be consulted and a mutual determination thereof shall be made by both the Sheriffs of the County of Los Angeles and the County of SONOMA.

2.4 The County of SONOMA shall not be called upon to assume any liability for the direct payment of the Los Angeles County Sheriff's Department salaries, wages, or other compensation to any Los Angeles County personnel performing services hereunder for said County of SONOMA. Except as herein otherwise specified, the County of SONOMA shall not be liable for compensation or indemnity to any County of Los Angeles employee or agent of the same for injury or sickness arising out of his/her employment as a contract employee of the County of SONOMA.

2.5 The County of Los Angeles shall not be called upon to assume any liability for the direct payment of the SONOMA County Sheriff's Office salaries, wages, or other compensation to any County of SONOMA personnel performing services hereunder for said County of Los Angeles. Except as herein otherwise specified, the County of Los Angeles shall not be liable for compensation or indemnity to any County of SONOMA employee or agent of the same for injury or sickness arising out of his/her employment as a contract employee of the County of Los Angeles.

2.6 As part of its compliance with all applicable laws and regulations relating to

employee hiring, the County of Los Angeles agrees that the Los Angeles County Civil Service Rules to which it is subject and which prohibit discrimination on the basis of non-merit factors, shall for purposes of this Agreement be read and understood to prohibit discrimination on the basis of sexual orientation.

3.0 SCOPE OF SERVICES BY COUNTY OF LOS ANGELES

3.1 The County of Los Angeles, upon request by the County of SONOMA, will transport prisoners arrested and held by other law enforcement agencies within the State on the authority of warrants issued from the County of SONOMA to a place mutually agreeable to the parties, either to the County of SONOMA or to a place on the established statewide route of the Los Angeles County Sheriff's Department's Transportation Bureau.

3.2 Such prisoner transportation services provided by the Los Angeles County Sheriff's Department shall be provided according to the schedules established and maintained by the Los Angeles County Sheriff's Department.

3.3 The County of SONOMA, upon being notified that one of its prisoners is being held by another law enforcement agency within the State of California, and desiring that such prisoner be transported to the County of SONOMA or the mutually agreed upon location by the County of Los Angeles, shall notify the Los Angeles County Sheriff's Department Transportation Bureau. Notification shall be in the form of a printed message via California Law Enforcement Telecommunications System (hereinafter referred to as "CLETS") requesting transportation of specifically identified individuals and will include the prisoner's name, sex, race, age, location held, charge(s) held under, amount of bail, and the name of the Court that issued the warrant for the prisoner's arrest.

The message shall indicate any necessary special instructions and identify any security risks and/or potential health and/or safety threats to law enforcement personnel, the public and/or the prisoner to be transported. The message shall also indicate the date of arrest and the date and time that the prisoner will be available for transportation by the County of Los Angeles to the County of SONOMA or location of mutual agreement.

3.4 The Los Angeles County Sheriff's Department Transportation Bureau will then send a return message via CLETS to the agency of the County of SONOMA requesting the transportation services, confirming the receipt of the notification and request for prisoner transportation, and indicating the expected date of delivery of the prisoner to the County of SONOMA or location of mutual agreement.

3.5 The County of Los Angeles shall be responsible for the physical custody of County of SONOMA prisoners commencing upon the acceptance of the prisoners, their property, and their necessary paper work by the Los Angeles County Sheriff's Department transportation personnel from the arresting law enforcement agency.

3.6 The County of Los Angeles hereby reserves the right to refuse to transport any mentally ill, sick, handicapped, disabled or injured County of SONOMA prisoner. Such mentally ill, sick, handicapped, disabled or injured prisoner may be transported by the County of Los Angeles, but only upon clearance for such a trip by a medical doctor, which shall be in writing, signed by the authorizing medical doctor. Such medical release form shall also declare whether the prisoner possesses any conditions that require special consideration, treatment, or handling by the Los Angeles County Sheriff's Department transportation personnel, including instructions with regard to medicines, dietary

requirements or restrictions, and any other information that is relevant to the health and well-being of the prisoner. The medical release form shall be provided to the Los Angeles County Sheriff's Department transportation personnel before the Los Angeles County Sheriff's Department will accept physical custody of the prisoner.

3.7 In the event that a well prisoner transported on behalf of the County of SONOMA becomes ill or injured en route, and requires professional medical examination and/or treatment, such fees for examination and/or treatment shall be a proper charge to the County of SONOMA by means of an invoice issued by and paid to the County of Los Angeles. The County of Los Angeles further reserves the right to refuse to transport any prisoner due to space limitations on transport vehicles or in consideration of overnight custodial accommodations en route to/from Los Angeles County. If the County of Los Angeles refuses to transport a prisoner, it shall immediately notify the requesting County of SONOMA agency via CLETS of this fact, and the reason therefore.

3.8 The County of Los Angeles will only transport male prisoners sixteen (16) years or older.

3.9 The County of Los Angeles, upon accepting County of SONOMA prisoners for transportation, shall be responsible for the prisoner's safekeeping while transporting them, and the timely and punctual delivery of said prisoners. Should there be any delay in said delivery, County of Los Angeles shall immediately notify, via CLETS, the County of SONOMA requesting agency of the delay, the reason therefore, and the expected delivery date of such prisoners.

4.0 SCOPE OF SERVICES BY COUNTY OF SONOMA

4.1 The County of SONOMA, upon request by the County of Los Angeles, will transport prisoners arrested and held by other law enforcement agencies within the State on the authority of warrants issued from the County of Los Angeles between agreed upon locations within the state of California to an agreed upon pick up location.

4.2 Such prisoner transportation services provided by the SONOMA County Sheriff's Office shall be provided according to the schedules established and maintained by the SONOMA County Sheriff's Office.

4.3 When the County of Los Angeles requires movement of prisoners between counties within the state of California, the County of Los Angeles shall notify the SONOMA County Sheriff's Office Transportation Bureau. Notification shall be in the form of a printed message via California Law Enforcement Telecommunications System (hereinafter referred to as "CLETS") requesting transportation of specifically identified individuals and will include the prisoner's name, sex, race, age, location held, charge(s) held under, amount of bail, and the name of the Court that issued the warrant for the prisoner's arrest. The message shall indicate any necessary special instructions and identify any security risks and/or potential health and/or safety threats to law enforcement personnel, the public and/or the prisoner to be transported. The message shall also indicate the date of arrest and the date and time that the prisoner will be available for transportation by the County of SONOMA to an agreed upon location.

4.4 The SONOMA County Sheriff's Office Transportation Bureau shall then send a return message via CLETS to the agency of the County of Los Angeles requesting the

transportation services, confirming the receipt of the notification and request for prisoner transportation, and indicating the expected date of delivery of the prisoner to agreed upon location.

4.5 The County of SONOMA shall be responsible for the physical custody of County of Los Angeles prisoners commencing upon the acceptance of the prisoners, their property, and their necessary paper work by the SONOMA County Sheriff's Office transportation personnel from the arresting law enforcement agency.

4.6 The County of SONOMA hereby reserves the right to refuse to transport any mentally ill, sick, handicapped, disabled or injured County of Los Angeles prisoner. Such mentally ill, sick, handicapped, disabled or injured prisoner may be transported by the County of SONOMA, but only upon clearance for such a trip by a medical doctor, which shall be in writing, signed by the authorizing medical doctor. Such medical release form shall also declare whether the prisoner possesses any conditions that require special consideration, treatment, or handling by the SONOMA County Sheriff's Office transportation personnel, including instructions with regard to medicines, dietary requirements or restrictions, and any other information that is relevant to the health and well-being of the prisoner. The medical release form shall be provided to the SONOMA County Sheriff's Office transportation personnel before the SONOMA County Sheriff's Office will accept physical custody of the prisoner.

4.7 In the event that a well prisoner transported on behalf of the County of Los Angeles becomes ill or injured en route, and requires professional medical examination and/or treatment, such fees for examination and/or treatment shall be a proper charge to

the County of Los Angeles by means of an invoice issued by and paid to the County of SONOMA. The County of SONOMA further reserves the right to refuse to transport any prisoner due to space limitations on transport vehicles or in consideration of overnight custodial accommodations that may be required. If the County of SONOMA refuses to transport a prisoner, it shall immediately notify the County of Los Angeles requesting agency via CLETS of this fact, and the reason therefore.

4.8 The County of SONOMA will only transport male prisoners sixteen (16) years or older.

4.9 The County of SONOMA, upon accepting County of Los Angeles prisoners for transportation, shall be responsible for the prisoner's safekeeping while transporting them, and the timely and punctual delivery of said prisoners. Should there be any delay in said delivery, County of SONOMA shall immediately notify, via CLETS, the County of Los Angeles requesting agency of the delay, the reason therefore, and the expected delivery date of such prisoners.

5.0 INDEMNIFICATION

5.1 County of Los Angeles shall indemnify, defend, and hold harmless the County of SONOMA, its Special Districts, elected and appointed officers, employees, and agents from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the County of Los Angeles's acts and/or omissions arising from and/or relating to this Agreement.

5.2 County of SONOMA shall indemnify, defend, and hold harmless the County of

Los Angeles, its Special Districts, elected and appointed officers, employees, and agents from and against any and all liability, including but not limited to demands, claims, actions, fees, costs, and expenses (including attorney and expert witness fees), arising from or connected with the County of SONOMA's acts and/or omissions arising from and/or relating to this Agreement.

6.0 TERM OF AGREEMENT

The term of this Agreement shall commence July 1, 2014, or upon execution by the Sheriff of Los Angeles County, whichever is later, and shall terminate June 30, 2019, unless sooner terminated or extended in whole or in part as provided in this Agreement.

7.0 RIGHT OF TERMINATION

7.1 The County of Los Angeles or the County of SONOMA may terminate this Agreement upon sixty (60) days advance written notice to the other party.

7.2 In the event of a termination, each party shall fully discharge all obligations owed to the other party accruing prior to the date of such termination, and each party shall be released from all obligations that would otherwise accrue subsequent to the date of termination.

8.0 BILLING RATES AND PAYMENT PROCEDURES

Unless otherwise specified herein, no charges shall be incurred and no charges shall be billed by one party to the other party so long as the parties continue to provide reciprocal prisoner transportation services. If the reciprocal services cease during the Term of the Agreement, then this Agreement shall be amended pursuant to Section 9.0, Amendments, to reflect the applicable billing rates and payment procedures, as mutually agreed to by

the parties.

9.0 AMENDMENTS

All changes, modifications, or amendments to this Agreement must be in the form of a written Amendment duly executed by authorized personnel of County of Los Angeles and County of SONOMA.

10.0 ASSIGNMENT, DELEGATION, AND SUBCONTRACTING

A party shall not assign its rights and/or subcontract, or otherwise delegate, its duties under this Agreement, either in whole or in part, without the prior written consent of the other party, and any attempted assignment or delegation without such consent shall be null and void.

11.0 AUTHORIZATION WARRANTY

11.1 County of SONOMA represents and warrants that the person executing this Agreement for County of SONOMA is an authorized agent who has actual authority to bind the County of SONOMA to each and every term, condition, and obligation of this Agreement and that all requirements of County of SONOMA have been fulfilled to provide such actual authority.

11.2 County of Los Angeles represents and warrants that the person executing this Agreement for County of Los Angeles is an authorized agent who has actual authority to bind the County of Los Angeles to each and every term, condition, and obligation of this Agreement and that all requirements of County of Los Angeles have been fulfilled to provide such actual authority.

12.0 GOVERNING LAW, JURISDICTION, AND VENUE

This Agreement shall be governed by, and construed in accordance with, the laws of the State of California. The parties agree and consent to the exclusive jurisdiction of the courts of the State of California for all purposes regarding this Agreement and further agree and consent that venue of any action brought hereunder shall be exclusively in the County of Los Angeles.

13.0 NOTICES

Unless otherwise specified herein, all notices or demands required or permitted to be given or made under this Agreement shall be in writing and shall be hand delivered with signed receipt or mailed by first class registered or certified mail, postage prepaid, addressed to the parties at the following addresses and to the attention of the person named. Addresses and persons to be notified may be changed by either party by giving ten (10) calendar days prior written notice thereof to the other party.

Notices to County of Los Angeles shall be addressed as follows:

Los Angeles County Sheriff's Department
Attn: Statewide Sergeant
Address 441 Bauchet Street
Los Angeles, 90012
Phone (213) 974-4565
Fax (213) 974-4367

Notices to County of SONOMA shall be addressed as follows:

County of SONOMA
Attn:
Address 2796 Ventura Avenue
SONOMA, CA 95403
Phone (707) 565-2812
Fax

14.0 VALIDITY

If any provision of this Agreement or the application thereof to any person or circumstance is held invalid, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby.

15.0 WAIVER

No waiver by the parties of any breach of any provision of this Agreement shall constitute a waiver of any other breach or of such provision. Failure of the parties to enforce at any time, or from time to time, any provision of this Agreement shall not be construed as a waiver thereof.

16.0 ENTIRE AGREEMENT

This Agreement, and any Attachments and Amendments thereto, constitute the complete and exclusive statement of understanding between the parties which supersedes all previous agreements, written or oral, and all communications between the parties relating the subject matter hereof. No change to this Agreement shall be valid unless prepared pursuant to Section 9.0, Amendments, of this Agreement and duly executed by authorized personnel of County of Los Angeles and County of SONOMA.

* * * * *

**AGREEMENT
BY AND BETWEEN
COUNTY OF LOS ANGELES AND COUNTY OF SONOMA
FOR RECIPROCAL INTRASTATE TRANSPORTATION OF PRISONERS**

WITNESS WHEREOF, the Los Angeles County Board of Supervisors has caused this Agreement to be executed on its behalf by the Sheriff of the County of Los Angeles, and the County of SONOMA has caused this Agreement to be executed on its behalf by its authorized officer on the dates indicated below.

COUNTY OF LOS ANGELES

Dated: _____

By _____
John L. Scott
Sheriff

COUNTY OF SONOMA

Dated: _____

By _____
Chairman, Board of Supervisors

APPROVED AS TO FORM:
COUNTY OF LOS ANGELES
JOHN F. KRATTLI
County Counsel

APPROVED AS TO FORM:
COUNTY OF SONOMA
COUNTY COUNSEL

By _____
Senior Deputy County Counsel

By _____
County Counsel



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: Successor Agency for the Sonoma County Community Redevelopment Agency

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Sonoma County Community Development Commission

Staff Name and Phone Number:

Kathleen H. Kane, 565-7505

Supervisorial District(s):

1st & 5th

Title: Redevelopment Dissolution - Recognized Obligation Payment Schedule.

Recommended Actions:

Adopt resolution of the governing Board of the Successor Agency for the Sonoma County Community Redevelopment Agency, approving the Recognized Obligation Payment Schedule for the period January 1, 2015 to June 30, 2015.

Executive Summary:

ABx1 26 (Dissolution Act) dissolved redevelopment agencies throughout California effective February 1, 2012. As a result, the Sonoma County Board of Supervisors adopted a resolution accepting the role of Successor Agency for the former Sonoma County Community Redevelopment Agency, utilizing Sonoma County Community Development Commission (CDC) staff to perform the work of the Successor Agency. Also pursuant to the Dissolution Act, a seven-member Oversight Board primarily comprised of representatives of local taxing entities was established to oversee the unwinding of the former Redevelopment Agency's assets and obligations.

The Dissolution Act requires that the Successor Agency prepare, and the Oversight Board approve, a Recognized Obligation Payment Schedule (ROPS) for each six-month period beginning on January 2, 2012 until all obligations of the former Redevelopment Agency are fully satisfied. The ROPS is a list of all of the outstanding expenses that must be paid by the Successor Agency to complete the former Redevelopment Agency's work that was in progress at the time of dissolution. These expenses are paid from remaining Redevelopment Agency bond proceeds and other cash balances held by the Successor Agency, and biennial property tax receipts available through the Redevelopment Property Tax Trust Fund (RPTTF) until all obligations are paid. Each ROPS must be submitted to, and approved by, the State Department of Finance (DOF) prior to becoming effective.

The first six ROPS, for the periods ending June 30, 2012, December 31, 2012, June 30, 2013, December 31, 2013, June 30, 2014, and December 31, 2014, were approved by your Board and adopted by the Oversight Board. The ROPS were also approved by DOF, with the exception of certain disqualified items, the most significant of which are the Highway 12 and Roseland Village projects. The Successor Agency sued DOF to challenge the disqualification of these items, and the Sacramento County Superior Court issued a ruling in favor of the Successor Agency on August 22, 2013, affirming that the Highway 12 and Roseland Village projects are enforceable obligations and should be included on each ROPS to be funded with available bond proceeds, other cash balances, and new RPTTF distributions. This decision was appealed by the State of California, and the appeal is pending in the Court of Appeal, where the parties have filed their briefs and are awaiting a date for oral argument. DOF is expected to continue denying use of funding for the Highway 12 and Roseland Village projects until the appeal is fully resolved. The Board of Supervisors has approved the use of County Reinvestment and Revitalization funding to enable the two projects to proceed in the interim. If the pending litigation is successful, the County will be reimbursed by the Successor Agency for the costs incurred to perform work under the existing project agreements, up to a maximum of \$10.7 million.

The ROPS for the period from January through June 2015 must be approved and submitted to the State no later than October 3, 2014. Staff has prepared the draft ROPS (on file with the Clerk of the Board), listing estimates of all anticipated resources and expenses for the Successor Agency for the period of January 1, 2015 to June 30, 2015. The major redevelopment projects remaining to be completed and listed on ROPS 14-15B are: 1) Roseland Village Neighborhood Village environmental clean-up and public improvements; 2) Highway 12 improvements; and 3) Riverkeeper Stewardship Park in Guerneville. Expenses are also listed for Successor Agency operating costs, repayment of the Springs 2008 Tax Allocation Bonds, and on-going management and maintenance of the East Thompson parking lot in the Springs Project Area, and the Guerneville public restrooms, which are being held by the Successor Agency prior to completion of the disposition process that must be approved by DOF. The ROPS form also includes a reconciliation of estimated to actual costs for the ROPS period ending June 30, 2014. DOF and Auditor-Controller will use the reconciliation to actual costs to make adjustments in the distribution of RPTTF dollars for the upcoming ROPS period.

After consideration and approval by your Board, the ROPS will be submitted to the Oversight Board for approval, and to the State for review.

Prior Board Actions:

02/25/14 - Approved Recognized Obligation Payment Schedule for July 1 – December 31, 2014.
09/17/13 - Approved Recognized Obligation Payment Schedule for January 1 – June 30, 2014
02/05/13 - Approved Recognized Obligation Payment Schedule for July 1 – December 31, 2013.
08/14/12 – Approved Recognized Obligation Payment Schedule for January 1 – June 30, 2013.
04/24/12 – Approved Recognized Obligation Payment Schedule for July 1 – December 31, 2012.
02/28/12 - Approved Recognized Obligation Payment Schedule for January 1 - June 30, 2012.

Strategic Plan Alignment Not Applicable			
The Successor Agency exists solely to wind up the affairs of the former Redevelopment Agency.			
Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$
Narrative Explanation of Fiscal Impacts (If Required):			
<p>This action is administrative in nature with no budget impacts. The Redevelopment Dissolution Act requires Successor Agencies to prepare a Recognized Obligation Payment Schedule for each six-month period beginning January 1, 2012 until all enforceable obligations of the former Redevelopment Agency are fully satisfied. After approval by the State Department of Finance, the Schedule allows the Successor Agency to expend funds for the listed obligations. Obligations will be paid using cash on hand or revenues from the Redevelopment Property Tax Trust Fund; no general funds will be used to prepare the ROPS or to pay obligations listed on the ROPS.</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:			
Resolution			
Related Items "On File" with the Clerk of the Board:			
Recognized Obligation Payment Schedule for January 1, 2015 to June 30, 2015.			



County of Sonoma
State of California

Date: September 16, 2014

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Governing Board Of The Successor Agency For The Sonoma County Community Redevelopment Agency ("Successor Agency"), Approving The Recognized Obligation Payment Schedule For January 1, 2015 To June 30, 2015.

Whereas, on December 29, 2011, the California Supreme Court delivered its decision in *California Redevelopment Association v. Matosantos*, finding ABx1 26 largely constitutional, and AB 1484 was subsequently enacted by the State Legislature to revise and expand upon the terms of ABx1 26 (collectively referred to herein as the "Dissolution Act"); and

Whereas, under the Dissolution Act all California redevelopment agencies, including the Sonoma County Community Redevelopment Agency (the "Redevelopment Agency"), were dissolved on February 1, 2012; and

Whereas, on January 10, 2012, the Sonoma County Board of Supervisors ("County Board") adopted a resolution accepting for the County the role of Successor Agency to the Redevelopment Agency ("Successor Agency"); and

Whereas, under the Dissolution Act, the Successor Agency must prepare a "Recognized Obligation Payment Schedule" ("ROPS") that enumerates the enforceable obligations and expenses of the Successor Agency for successive six-month periods beginning on January 1, 2012, which must be (a) approved by the Oversight Board for the Successor Agency, (b) submitted to the County Auditor-Controller, County Administrator, State Controller's Office, and State Department of Finance, and (c) posted on the Successor Agency's website; and

Whereas, the Successor Agency and the Oversight Board have previously approved and adopted the ROPS for the periods ending June 2012, December 2012, June 2013, December 2013, June 2014, and December 2014; and

Whereas, the State Department of Finance has approved the ROPS for the periods ending June 2012, December 2012, June 2013, December 2013, June 2014, and December 2014, with the exception of certain disqualified items; and

Resolution #

Date:

Page 2

Whereas, the State of California Superior Court has issued a ruling that invalidates the Department of Finance's determinations regarding certain disqualified items, and this ruling has been appealed by the State of California; and

Whereas, the Successor Agency must prepare, and the Oversight Board must adopt and submit, a seventh ROPS covering the six-month period ending June 30, 2015, no later than October 3, 2014.

Now, Therefore, Be It Resolved, that the governing Board of the Successor Agency for the Sonoma County Community Redevelopment Agency, hereby finds, determines, and resolves as follows:

1. The foregoing recitals are true and correct.
2. The Board hereby approves the Recognized Obligation Payment Schedule for the Successor Agency covering the period from January 1, 2015 through June 30, 2015, as presented to this Board, and authorizes and directs the Executive Director of the Sonoma County Community Development Commission, on behalf the Successor Agency, to take all necessary actions under the Dissolution Act with respect to submitting the Recognized Obligation Payment Schedule in the mandated format to the Oversight Board, County Auditor-Controller, County Administrator, State Controller, and the State Department of Finance.

Successor Agency Board Members:

Gorin:

Zane:

McGuire:

Carrillo:

Rabbitt:

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: 25
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan Klassen (707) 565-2231

Supervisorial District(s):

Second District

Title: Amendment to Construction Management Services Agreement for the Cotati Intermodal Facility Project

Recommended Actions:

Authorize the Chair to execute the First Amendment to the Agreement with Vali Cooper & Associates, Inc. for construction management services associated with the Cotati Intermodal Facility Project increasing the not-to-exceed amount from \$263,403 to \$299,059.

Executive Summary:

Staff is recommending approval of the First Amendment to the Agreement with Vali Cooper & Associates, Inc. for additional construction management services associated with the Cotati Intermodal Facility project (W07074). The original agreement with Vali Cooper & Associates, Inc. was executed by the Board on June 25, 2013, in the not-to-exceed amount of \$263,403. Construction on this project began in July 2013. The original completion date was anticipated to be in March 2014; however delays associated with utility relocation and coordination with SMART's construction schedule has resulted in a revised completion date of October 2014. The expiration date of the agreement will remain 12/31/15. This amendment allows funding for project close-out duties. Due to their intimate knowledge of this construction project, the participation of Vali Cooper staff during construction completion is essential. The Department does not have sufficient staff to perform this work with in-house personnel.

Vali Cooper & Associates, Inc. was selected as the consultant for this project following an extensive selection process. The Department advertised a Request for Qualifications in a newspaper of general circulation. The proposals were evaluated and ranked based on each consultant's response to the following criteria: experience, project team and key staff, technical ability, relevant project experience, federal project experience and project approach. Local preference was not a consideration in the selection of a consultant as Federal funding is involved in this project. Vali Cooper & Associates, Inc. was selected for this project because of their specific experience related to this project and construction project administration.

Prior Board Actions:			
6/25/13: Board awarded construction management contract to Vali Cooper & Associates, Inc.; 6/04/13: Award construction contract to Argonaut Constructors.			
Strategic Plan Alignment Goal 3: Invest in the Future			
The project invests in the future by providing a bus transit and park & ride facility now with provisions for use as the city of Cotati's SMART rail station in the future. .			
Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 35,656	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$ 35,656
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 35,656	Total Sources	\$ 35,656
Narrative Explanation of Fiscal Impacts (If Required):			
Appropriations for this amendment are available in the FY 14-15 Transit Division budget; agreement will be funded with Federal Transit Administration and Transportation Development Act 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:			
Amendment			
Related Items "On File" with the Clerk of the Board:			
Original Agreement			



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: Board of Supervisors

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number:

Susan Klassen, 707-565-2231

Supervisorial District(s):

Second

Title: Award of Contract for 2014-15 Lakeville Road Tree Pruning and Removal Project, M13002

Recommended Actions:

1. Approve the plans and specifications for the 2014-15 Lakeville Road (Road #3601) Tree Pruning and Removal Project.
2. Award the contract to low bidder Bay Area Tree Specialists, in the amount of \$221,775.00 and authorize Chair to execute construction contract M13002.

Executive Summary:

In an ongoing effort by staff of the Department of Transportation and Public Works to evaluate the conditions of the grove of eucalyptus trees along a section of Lakeville Road just south of the intersection with State Route 116, staff conducts recurring inspections of the grove. A survey in 2003 listed more than 300 eucalyptus trees along Lakeville Road that are approximately 100 years old, which is generally the life span of this type of tree. As they approach this age, they begin to be susceptible to wind damage, disease, and insect infestation and many of these trees show signs of these problems. Since the survey was conducted, the County has managed the grove by inspections before and after the winter months and after each strong wind storm. The inspections result in finding that a number of trees are in such a damaged or deteriorated condition that their removal is required. At the same time, trimming is performed to remove overhanging branches that could potentially fall on the road. The project outlined in this report consists of removing 24 eucalyptus trees and stumps, grinding 49 eucalyptus tree stumps, and pruning 101 eucalyptus trees, along Lakeville Road between Stage Gulch Road and State Route 37. The project is needed to continue the proper management of this grove of 100-year old trees.

Project was advertised for bids July 18 to August 19, 2014, and were opened August 20, 2014.

Bids were received as follows:

Bay Area Tree Specialists (San Jose).....	\$221,775.00
Image Tree Service (Windsor).....	\$235,967.00

Professional Tree Care Company (Berkeley).....\$355,100.00
 Mountain F Enterprises (Lotus).....\$397,280.00

Engineer's Estimate was \$316,500.00

The low bid of \$221,775.00 from Bay Area Tree Specialists is \$94,725.00(30%) below the Engineer's estimate. The next lowest bidder is 6% higher than Bay Area Tree Specialists.

In accordance with Public Contract Code Section 20128, the contract shall be awarded to the lowest responsible bidder. Local preference is not included.

Bay Area Tree Specialists have been licensed since 2004 and have not performed work for the County before.

The total estimated cost of the project is \$243,953, including 10% contingency. Funding for this work is from the Road Maintenance operating budget.

Prior Board Actions:

12/12/2012: Awarded contract for 2012 Lakeville Road Tree Pruning and Removal. 06/21/2011: Awarded contract for Spring 2011 Lakeville Highway Tree Removal.

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

This aging grove of eucalyptus trees must be properly managed to reduce the risk of branches and debris from falling on the roadway.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 243,953	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$ 243,953
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 243,953	Total Sources	\$ 243,953

Narrative Explanation of Fiscal Impacts (If Required):

Appropriations for this work are budgeted annually in the Road Maintenance budget.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Location Map.			
Related Items “On File” with the Clerk of the Board:			
Special Provisions, Bid Book, Addendum 1			



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: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors

Staff Name and Phone Number:

Board of Supervisors (707) 565-2241

Supervisorial District(s):

Title: Minutes of August 5, 2014

Recommended Actions:

Approval.

Executive Summary:

Approval of Minutes of the Meeting of August 5, 2014 for the following: Agricultural Preservation and Open Space District and Board of Supervisors; and

Prior Board Actions:

None.

Strategic Plan Alignment Not Applicable

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$	County General Fund	\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):			
N/A			
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:			
Minutes			
Related Items "On File" with the Clerk of the Board:			
None			

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

TUESDAY

AUGUST 5, 2014

8:30 A.M.

Susan Gorin	First District	Veronica A. Ferguson	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
Mike McGuire	Fourth District		
Efren Carrillo	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 Board of Directors of the Northern Sonoma County Air Pollution Control District, and as the governing board of all special districts having business on the agenda to be heard this date.

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, 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, 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 or the public request specific items be discussed and/or removed from the Consent Calendar.

PUBLIC COMMENT

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. Closed session items may be added prior to the Board adjourning to closed session. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair. 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, and generally may only listen.

8:30 A.M. CALL TO ORDER

8:30 A.M. Chairman Rabbitt called the meeting to order.

Supervisors Present: Susan Gorin, David Rabbitt, Shirlee Zane, Mike McGuire, Efren Carrillo

Staff Present: Veronica A. Ferguson, County Administrator and Bruce Goldstein, County Counsel

Chairman Rabbitt presiding.

PLEDGE OF ALLEGIANCE

I. APPROVAL OF THE AGENDA (Items may be added or withdrawn from the agenda consistent with State law)

Correction to Agenda Item: Item #5 advertising program grant awards should include the Russian River Chamber of Commerce rather than Sonoma County Pride. Item #9 the Multipurpose Senior Services Program Standard Agreement also includes the Approval of a Resolution. Items Pulled From Agenda: Item #8 an agreement with Harold W. Bertholf, Inc. for geothermal and power plant property appraisal services has been removed from the agenda.

II. BOARD MEMBER ANNOUNCEMENTS

Supervisor Carrillo announced that he conducted a meeting at the Roseland building demolition and that the Community Development Center gave an update to the community on the continuing work. He attended a water technical advisory meeting, and gave updates on the Mirabel fish stream project. He thanked the Board for supporting the Mariachi Concert with the Santa Rosa Symphony at the Green Music Center; and noted that Congressman Thompson held a conference call on the undocumented children issues and he feels there is a humanitarian role for the community to embrace as possible options.

Supervisor Gorin shared that today is the 100th anniversary of the first public traffic signal: she participated in the WacTac meeting and gave updates on water conservation. She also met with Sonoma Valley and tourism industry groups, and because Sonoma's populations fluctuate during the year, it makes projecting monthly statistics difficult. Many of the largest businesses are green businesses. Smaller businesses don't have the resources to explore issues, but perhaps the County can help to achieve the conservation goals. Supervisor Gorin invited everyone to attend the fair this year and advised that the Ag awards dinner will be at the Vet's building Wednesday night.

Supervisor Zane reported that she attended the National Association on Mental Illness conference in Orange County.

Supervisor McGuire spoke to County partners in Mendocino County helping with Mendocino Lake flows. He thanked Mr. May from Petaluma, library JPA Commission representative; reported that the Fulton Founder's Day is this Saturday with its 4th annual clean-up day, free pancake breakfast at Springfield Community Church, including the

BOARD MEMBER ANNOUNCEMENTS (Continued)

scheduled painting the post office, and a raffle to purchase the old Fulton sign. Monday Larkfield will conduct its 4th annual meeting at 6:30 p.m., Riebli Elementary School.

Supervisor Rabbitt reported that this past Friday the Golden Gate Bridge and Transportation Committee met in the Board Chambers hearing presentations on the bus and ferry system. The Coast Guard base celebrated its 224th anniversary in Petaluma.

III. CONSENT CALENDAR (Items 1 through 14)

PRESENTATIONS/GOLD RESOLUTIONS (Item 1)

PRESENTATIONS AT THE BOARD MEETING

1. Adopt a Gold Resolution proclaiming August as child support awareness month. (Child Support Services)

Presenters:

Jennifer Traumann, Interim Director of Child Support Services.

Case Parent, Lee Denny (Father), a parent working with Child Support Services.

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0315

AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

(Directors: Gorin, Rabbitt, Zane, McGuire, Carrillo)

2. East Slope Segment Sonoma Mountain Ridge Trail Construction -
 - (A) Authorize the General Manager to award and execute a contract to Brent Harris Construction, in the amount of \$42,740 (final completion shall be within 72 calendar days of the start of work) for the construction of Phase I of the East Slope Segment Sonoma Mountain Ridge Trail Project;
 - (B) Execute change orders if necessary to complete the Project, provided the cumulative amount of all change orders does not exceed \$4,270;
 - (C) Ratify a permit application by staff which has been approved by the Sonoma Developmental Center authorizing access across SDC land for the Project;
 - (D) Sign Document 00650 (Agreement and Release of Any and All Claims), with County Counsel review, if any unresolved claims are listed by the Contractor;
 - (E) Issue and record notice of completion pursuant to Civil Code section 3093; and
 - (F) Execute an access agreement with California Department of Parks and Recreation in a form approved by County Counsel.

Board Action: Approved as Recommended

UNANIMOUS VOTE

CONSENT CALENDAR (Continued)

AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR

3. Approve a Resolution authorizing the Auditor-Controller-Treasurer-Tax-Collector to issue prorated refunds totaling \$1,108,663.63 to property owners in the 1997 Special Assessment Districts, which include Airport Business Center, Airport Sewer, Larkfield Sewer, South Santa Rosa Avenue and Vinecrest Road.

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution No.14-0316

BOARD OF SUPERVISORS

4. Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for Fiscal Year 2014-15: American Heart Association for the Heart Walk in Howarth Park, \$500; Sonoma Valley Chorale, Inc. for Sonoma Valley Concerts, \$2,000. (First District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

5. Approve Advertising Program grant awards and authorize the County Administrator to execute a contract with the following entity for advertising and promotions activities for Fiscal Year 2014-15: Actors' Theater For Children, \$500; Bodega Bay Fisherman's Festival, \$1,500; Bodega Volunteer Fire Department, \$750; Children's Museum of Sonoma County, \$10,000; Duncan Mills Merchant Association, \$3,000; Graton Community Club, \$1,000; Monte Rio Chamber of Commerce, \$1,000; Occidental Center for the Arts, \$3,000; Redwood Arts Council, \$2,000; Russian River Alliance, \$1,000; Russian River Rodeo Association, \$750; Russian River Rotary Foundation, \$4,500; Sonoma County Pride, \$1,000; Stewards of the Coast and Redwoods, \$5,000; Western Sonoma County Historical Society, \$1,000; Eco-Ring, \$750; Sonoma County Farm Trails, \$1,000; Occidental Community Choir, \$1,000; and Russian River Slow Food, \$500. (Fifth District) (As amended under Approval of the Agenda.)

Board Action: Approved as Recommended

UNANIMOUS VOTE

6. Approve the allocation of Advertising Contingency Funds in the amount of \$4,500 to the Community Action Partnership of Sonoma County for the One City Arts Project Summer Arts Program 2014 for junior and high school students in Sonoma County.

Board Action: Approved as Recommended

UNANIMOUS VOTE

7. Authorize the County Administrator to execute a contract with Sonoma County Tourism in the amount of \$100,000 for promotion and advertising activities about Sonoma County rivers and recreational opportunities from August through September 2014.

Board Action: Approved as Recommended

UNANIMOUS VOTE

CONSENT CALENDAR (Continued)

CLERK-RECORDER-ASSESSOR

8. Authorize the County Clerk-Recorder-Assessor to execute an agreement with Harold W. Bertholf, Inc. for geothermal and power plant property appraisal services for the period of August 1, 2014 to June 30, 2017, in an amount not-to-exceed \$480,000. (Item was pulled from the agenda.)

HUMAN SERVICES

9. Authorize the Director of Human Services to sign the Multipurpose Senior Services Program Standard Agreement # MS-1415-11 with the California Department of Aging for Fiscal Year 2014-15 in the amount of \$685,600 to receive funds to operate MSSP in Sonoma County and to execute future agreement amendments to adjust for revenue changes. (As amended under Approval of the Agenda.)

Board Action: Approved as Recommended
UNANIMOUS VOTE

Approved by Resolution No.14-0317

TRANSPORTATION AND PUBLIC WORKS

10. Authorize the Chair to sign an agreement for construction management services with Green Valley Consulting Engineers for the Highway 12 Corridor Improvement Project, Phase 2, Stage 2 (C08002) for an amount not-to-exceed \$722,777, which includes a 10% contingency, with a term ending December 31, 2016. (First District)

Board Action: Approved as Recommended
UNANIMOUS VOTE

11. Approve a Resolution establishing Sonoma County Transit local Route 67, to be known as the "Healdsburg Shuttle" effective August 11, 2014. (Fourth District)

Board Action: Approved as Recommended
UNANIMOUS VOTE

Approved by Resolution No.14-0318

12. Approve the Plans and Specifications for the 2014 Asphaltic Emulsion Seal Coat Project (M07302) and award the contract to Telfer Oil Company in an amount not-to-exceed \$251,175.

Board Action: Approved as Recommended
UNANIMOUS VOTE

APPOINTMENTS/REAPPOINTMENTS

(Items 13-14)

13. Approve the Appointment of Mikeal Paul O'Toole to the Mental Health Board for a term of three years beginning June 10, 2014 and ending December 31, 2017. (Third District)

Board Action: Approved as Recommended
UNANIMOUS VOTE

CONSENT CALENDAR (Continued)

14. Approve the Appointment of Supervisor Susan Gorin as a member of the Board of Directors of the Sonoma Clean Power Authority, and the appointment of Supervisor Efred Carrillo as alternate, as recommended by the Chair.

Board Action: Approved as Recommended
UNANIMOUS VOTE

The Board recessed: 9:42 a.m.

The Board reconvened: 9:59 a.m.

IV. REGULAR CALENDAR (Items 15 through 17)

COUNTY ADMINISTRATOR

15. Financing Plan for the Implementation of the Long-Term Roads Plan -
- (A) Adopt an Ordinance, the "Sonoma County 2014 Transactions and Use Tax Ordinance," imposing a general countywide transactions and use tax of one-quarter of one percent for a period not to exceed twenty years pursuant to the authority granted by Revenue and Taxation Code Section 7285. (Second Reading - Ready for Adoption) (4/5 vote required)
 - (B) Adopt a Resolution calling a special election to submit to the voters of Sonoma County the proposed quarter-cent general sales tax measure entitled the Sonoma County 2014 Transactions and Use Tax Ordinance, and ordering that the special election be consolidated with the statewide general election to be conducted on November 4, 2014.
 - (C) Adopt a Resolution calling for a special election to submit to the voters of Sonoma County an advisory measure on the proposed distribution of any new transactions and use tax funds raised by the Sonoma County 2014 Transactions and Use Tax Ordinance if the voters approve the measure.

Supervisor Zane left the meeting: 11:25 a.m.

Supervisor Zane returned to the meeting: 11:27 a.m.

Presenters:

Veronica Ferguson, County Administrator
Chris Thomas, Assistant County Administrator
Peter Rumble, Deputy County Administrator
Bruce Goldstein, County Counsel.

Public Speakers:

Michael Hulber
Gerry La Londe Berry
Lacinda Moore
Craig Harrison
Joshua Pinawla
Omar Paz
John Bly
Chris Snyder
Steve Birdgebough
Adrienne Lauby
Gina Cuclis
Keith Woods
Thomas Ells
Anita La Follette
Clare Morris

REGULAR CALENDAR (Continued)

Item #15 Continued

Board Action: The Board took a straw vote setting the 2015 Sonoma County ordinance for an election on March 3, 2015, with a final review returning to the Board at their next meeting on Tuesday, August 12, 2014.

Board Straw Vote: Approved as moved

UNANIMOUS VOTE

Approved by Resolution No.14-0319 and Resolution No.14-0320

Approved by Ordinance No. 6082

16. Sonoma County Library Improvement Act -

(A) Adopt a Resolution calling a special election to submit to the voters of Sonoma County a proposed one-eighth cent (.125%) sales tax measure entitled the "Sonoma County Library Improvement Act," and ordering that the special election be consolidated with the statewide general election to be conducted on November 4, 2014.

(B) Adopt an Ordinance imposing a transactions and use tax to be administered by the State Board of Equalization to maintain and improve library services for all residents of Sonoma County with an operative date contingent upon the California Legislature enacting legislation raising the cap on local sales tax in Sonoma County by at least .125%. (Second Reading - Ready for Adoption) (4/5 vote required)

The Board recessed: 12:44 p.m.

The Board reconvened: 1:03 p.m.

Presenter: Michelle Arellano, CAO Administrative Analyst

Public Speaker: Michael Hilber

Board Action: Approved as Recommended

UNANIMOUS VOTE

Approved by Resolution 14-0321

Approved by Ordinance 6083

BOARD OF SUPERVISORS

17. Approve a fee waiver in the amount of \$136 for the National Night Out, Farm Watch Parade. (Second District)

Board Action: Approved as Recommended

UNANIMOUS VOTE

The Board adjourned into Closed Session: 1:08 p.m.

V. CLOSED SESSION CALENDAR (Items 18 through 22)

2:38 P.M. Counsel Goldstein reported on Closed Session Items #18-22.

18. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Existing Litigation pursuant to Government Code §54956.9 subdivision (a): Verizon California v. California State Board of Equalization; County of Alpine; County of Calaveras;...County of Sonoma,...et al. (Superior Court of the State of California, County of Sacramento, Case Numbers 34-2013-00138191 & 34-2014-00157245.)

No reportable direction. Direction was given to Counsel and staff.

19. The Board of Supervisors and the Board of Directors of the Agricultural Preservation and Open Space District will consider the following in closed session: Conference with Legal Counsel - Existing Litigation - Name of Case: County of Sonoma v. CATS 4 U, et al Solano County Superior Court Case No. FCS041857 (Govt. Code Section 54956.9(d)(1)).

No reportable direction. Direction was given to Counsel and staff.

20. The Board of Supervisors will consider the following in closed session: Conference with Legal Counsel - Initiation of Litigation pursuant to subdivision (d)(4) of Section 54956.9, Dry Creek Rancheria Band of Pomo Indians.

No reportable direction. Direction was given to Counsel and staff.

21. The Board of Supervisors, the Board of Directors of the Sonoma County Water Agency, the Board of 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 Negotiator, Agency Negotiators: Wendy Macy/Carol Allen. Employee organization: All. Unrepresented employees: All, including retired employees (Govt. Code Section 54957.6 (b)).

Direction was given to Labor Negotiators Wendy Macy and Carol Allen.

22. The Board of Supervisors will consider the following in closed session - Public Employee Performance Evaluation and Appointment: County Counsel (Govt. Code Section 54957(b)).

Board Action: The Board voted to reappoint Bruce Goldstein as County Counsel for a new four year term and directed staff to bring a Resolution forward to document the appointment.

UNANIMOUS VOTE

VI. REGULAR AFTERNOON CALENDAR (Items 23 through 28)

2:38 P.M. - RECONVENE FROM CLOSED SESSION

Supervisors Present: Susan Gorin, David Rabbitt, Shirlee Zane, Mike McGuire, Efren Carrillo

Staff Present: Veronica Ferguson, County Administrator and Bruce Goldstein, County Counsel

23. Report on Closed Session.

2:38 P.M. Counsel Goldstein reported on Closed Session Items #18-22.

24. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA (Comments are restricted to matters within the Board's jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. 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, and generally may only listen.)

2:40 P.M. Public Comment Opened

Colleen Fernald
Rachel Lamm
Mary Morrison
Richard Hannan
John Jenkel

2:56 P.M. Public Comment Closed

25. 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

2:57 P.M. No Acts or Determinations were acted on or reviewed.

2:57 P.M. Debbie Latham, Deputy County Counsel replaced County Counsel Bruce Goldstein.

REGULAR AFTERNOON CALENDAR (Continued)

PERMIT AND RESOURCE MANAGEMENT

26. General Plan Amendment to the Land Use Element to address Community Opportunity Areas; County of Sonoma - GPA13-0013 - (Countywide)
- a) APPLICANT: County of Sonoma
 - b) LOCATION: Various
 - c) ASSESSOR'S PARCEL NO.: Various
 - d) ENVIRONMENTAL DOCUMENT: REQUEST: Conduct a Public Hearing and Adopt a Resolution amending the General Plan Land Use Element Text as recommended by the Planning Commission to address requirements for disadvantaged unincorporated communities under SB244 and incorporate policies and programs to evaluate additional communities and public services, and expand the analysis to include Roseland and pedestrian access.

2:57 P.M.

Present: Lisa Posternak, Project Planner and Jennifer Barrett, Deputy Director, Permit and Resource Management Department

3:35 P.M. Public Hearing Opened

Adrienne Lauby
Linda R. Picton
Duane De Witt

3:42 P.M. Public Hearing Closed

Board Action: Adopt A Resolution Approving The General Plan Land Use Element Text Amendment Addressing Community Opportunity Areas as recommended by the Planning Commission, which consists of Options A - D:

- A. Program to expand criteria for Community Opportunity Areas & identify additional Community Opportunity Areas,
- B. Results of evaluations of public services and infrastructure in Roseland and policies addressing deficiencies,
- C. Program to evaluate additional public services and infrastructure in Community Opportunity Areas and establish priorities for funding public service and infrastructure improvement projects,
- D. Results of pedestrian access evaluations of Community Opportunity Areas and policies addressing deficiencies, and Finding The General Plan 2020 Program EIR Is The California Environmental Quality Act (CEQA) Document For The Proposed Project.

UNANIMOUS VOTE

Approved by Resolution No. 14-0322

REGULAR AFTERNOON CALENDAR (Continued)

27. 2014 Housing Element Update - GPA13-0009 - (Countywide)
- a) APPLICANT: County of Sonoma
 - b) LOCATION: Various
 - c) ASSESSOR'S PARCEL NO.: Various
 - d) ENVIRONMENTAL DOCUMENT: REQUEST: Adopt a Resolution considering the Subsequent Negative Declaration and approving the 2014 Draft Housing Element for transmittal to the State Department of Housing and Community Development.

3:44 P.M.

Present: Jane Riley, Project Planner; Jennifer Barrett, Deputy Director; and Tennis Wick, Director; Permit and Resource Management Department

4:29 P.M. Public Hearing Opened

Len Carlson
Roger McConnell
Daniel Sanchez
John Lowry
Chuck Cornell
Anita LaFollette
Charlene Love
Adrienne Lauby
Duane De Witt
Georgia Berland
Joy Derry
Jan Guthrie
Thomas Ells
Linda Picton
Michael Hilber
Ruth Fergun

5:18 P.M. Public Hearing Closed

Board Action: The Board gave staff direction to search for additional reinvestment and revitalization funding.

UNANIMOUS VOTE

Board Action: Adopt A Resolution Considering a Subsequent Negative Declaration and Approving the Draft 2014 General Plan Housing Element for Submission to the State Department of Housing and Community Development for Compliance Review and Certification.

UNANIMOUS VOTE

Approved by Resolution No. 14-0323

28. ADJOURNMENTS

5:58 P.M. The meeting was adjourned to August 12, 2014 at 8:30 A.M.

Respectfully submitted,

Roxanne Epstein
Chief Deputy 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 Directors, Sonoma County Water Agency

Board Agenda Date: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Joan Hultberg / 547-1902

Supervisorial District(s):

All

Title: Russian River Habitat Blueprint Grant

Recommended Actions:

- a. Authorize the Water Agency's General Manager or his designee to execute a grant agreement with the National Oceanic and Atmospheric Administration for the FY 2014-2015 Russian River Habitat Planning, Restoration, and Coordination Program (\$690,000 grant; Water Agency cost share \$274,000).
- b. Authorize the Water Agency's General Manager or his designee to execute new agreements or amend existing agreements with United States Geological Survey (\$80,000), Gold Ridge Resource Conservation District (\$50,000), and University of California Cooperative Extension (\$14,300) in order to pass through funds designated for these partners in the grant agreement.

Executive Summary:

The Sonoma County Water Agency (Water Agency) has been awarded \$690,000 in federal funding from the National Oceanic and Atmospheric Administration (NOAA) for the Russian River Habitat Planning, Restoration and Conservation Program, under NOAA's Habitat Blueprint framework. The Habitat Blueprint is NOAA's strategy to integrate habitat conservation throughout NOAA, focus efforts in priority areas, and leverage internal and external collaborations to achieve measurable benefits within key habitats such as rivers, coral reefs, and wetlands.

In 2014, the Russian River watershed was selected by NOAA as the nation's first Habitat Focus Area under the Habitat Blueprint strategy. This selection was made by NOAA in recognition of the opportunity presented by the Water Agency and other partners to meet multiple habitat conservation objectives on a watershed scale. NOAA's National Ocean Service, NOAA Fisheries, NOAA Atmospheric Research, and the National Weather Service have initiated with the Water Agency multiple projects that are expected to yield measurable results in three to five years. Objectives of the Russian River Habitat Focus area are to:

1. Rebuild endangered coho and threatened Chinook and steelhead stocks to sustainable levels

through habitat protection and restoration.

2. Improve frost, rainfall, and river forecasts in the Russian River watershed through improved data collection and modeling.
3. Increase community and ecosystem resiliency to flooding and drought through improved planning and water management strategies.

Under the grant, the Water Agency will partner with the Gold Ridge Resource Conservation District, University of California Davis Bodega Marine Laboratory, University of California's Scripps Institution of Oceanography, University of California Cooperative Extension, Environmental Science Associates, U.S. Geological Survey, and NOAA's Office of Atmospheric Research to implement six projects (described below) that will further the Habitat Blueprint effort and address the needs of the watershed.

For Projects 3, 5, and 6, the Water Agency's role is limited to passing through NOAA grant funds to U.S. Geological Survey, Gold Ridge Resource Conservation District, and University of California Cooperative Extension. In order to do this, the Water Agency is requesting Board authorization for the General Manager or his designee to execute new agreements or amend existing agreements with these partners to pass through the designated funds. The agreements will consist of the standard form of agreement that the Water Agency has used with these partners in the past, and will be reviewed by County Counsel before execution.

In Projects 1, 2, and 4, the Water Agency will have a direct technical role in implementing the work with project partners. Upon execution of the grant agreement, Water Agency staff will prepare agreements with partners to implement the scope and terms of the grant. The Water Agency will return to the Board for approval of these agreements, once they are finalized.

Project 1: Russian River Estuary: Russian River Water Quality Modeling to Inform Time-Dependent Availability of Estuarine Habitat for Salmonids. Partners are Bodega Marine Lab and Environmental Science Associates; amount of grant funds is \$115,000.

In Project 1, we will develop a conceptual model for quantifying how the volume of available salmonid habitat changes based on water quality parameters associated with estuarine and river mouth conditions. This model will provide managers with a real-time decision support tool to assess salmonid habitat availability using past data collections and to project future best-case and worst-case management scenarios for maximizing estuarine habitat for listed salmonids. A report will be produced that synthesizes current available data and describes likely estuarine habitat conditions in response to prescribed management scenarios.

Project 2: Russian River Watershed: Coastal Monitoring Plan (CMP) Implementation in the Russian River Watershed. Partner is University of California Cooperative Extension, California Sea Grant; amount of grant funds is \$137,000.

NOAA funding for Project 2 will continue implementation of the CMP in the Russian River Watershed. Both California Endangered Species Act and federal Endangered Species Act listings require recovery plans that call for monitoring to provide some measure of progress toward recovery. In 2013, the Water Agency received funding from the Fisheries Restoration Grant Program to implement the CMP in the

Russian River for one year. California Sea Grant is a partner in this work. NOAA funding for Project 2 will allow the partners to continue this implementation for another year and to seek out additional funds to allow full CMP implementation in the Russian River watershed on a more sustained basis.

Project 3: Russian River Estuary: Climate Change Sea Level Rise. Partners are United States Geological Survey, National Weather Service, and National Office of Oceanic and Atmospheric Research; amount of grant funds is \$88,000.

Implementation of Project 3 will enhance habitat for threatened and endangered salmon and steelhead. Climate modeling results would inform resource manager understanding of potential localized impacts of sea level rise and climate change to various life cycle stages of listed salmon and steelhead dependent on estuarine habitat. The data will also identify priority actions for fisheries managers.

Project 4: Russian River – Upper Watershed: Precipitation and River Flow Forecasting to Maximize Water Capture for Fisheries. Partners are Scripps Institution of Oceanography, United States Geological Survey, National Weather Service, and Office of Oceanic and Atmospheric Research, Department of Water Resources, National Marine Fisheries Service, and the United States Army Corps of Engineers; amount of grant funds is \$260,000.

Atmospheric rivers are a primary meteorological driver for heavy precipitation events along the Pacific coast of California and northwestern U.S. Improvements in atmospheric river detection, tracking and forecasting of the landfall location, timing and duration of these storms can provide longer lead times for reservoir managers to adapt storage and release operations that account for anticipated runoff. The goal of Project 4 is to quantify forecast attributes that would improve decision-making, identify forecasts needed, and determine what level of certainty is appropriate. This will provide a collaborative reservoir forecast-based operations modeling approach, involving water stakeholders in data development, model review and incorporation of multiple perspectives. This approach will support development of a shared vision of how the reservoir might be operated to maximize overall benefits.

Project 5: Russian River – Tributary: Westminster Woods Tank Project. Partner is Gold Ridge Resource Conservation District; amount of grant funds is \$55,000.

The purpose of Project 5 is to eliminate dry season water diversion on the mainstem of Dutch Bill Creek by implementing water conservation measures and constructing off-channel water storage. Spring water will be diverted when flow is high during the winter and spring, and stored in tanks with a total capacity of approximately 190,000 gallons (four months' irrigation water supply) for summer use. Grant funds will be applied toward construction costs.

Project 6: Russian River – Upper Watershed: Improving Frost Protection Methods and Prediction. Partner is University of California Cooperative Extension; grant amount is \$35,000.

Reliable frost protection is required for sustainable and profitable winegrape production in many parts of California. However, the Russian River wine-grape growers are currently facing significant reductions in the availability of water for sprinkler frost protection due to water management restrictions related to salmon recovery and/or lack of supply. In Project 6, 24 meteorological measurement towers will be

installed in frost-prone vineyard regions of Sonoma and Mendocino counties, producing the most detailed real-time temperature inversion information possible by capturing the expected regional variations within each county. Real-time data from all weather stations and towers will be posted on the NOAA Earth System Research Laboratory website, and will also be posted on a separate University of California website in a format most convenient for use by vineyard industry clientele and the general public.

In summary, these six projects will benefit key habitats throughout the watershed, while also providing benefits to water users. The projects will also focus on how to sustain benefits by either utilizing various water conservation measures or through restoration. All of the projects benefit listed species, in particular salmonids, but will also provide wider ecosystem benefits throughout the watershed. In addition, through climate modeling, there will be data that will help resource managers prepare for a changing climate and sea level rise.

The grant has a term of one year. The Water Agency's cost share under the agreement is \$274,000. With Board approval, costs will be allocated through appropriations from the Watershed Planning and Restoration Fund, Russian River Projects Fund, Warm Springs Dam fund, and the Water Agency General Fund. These additional appropriations will be made in the next consolidated budget adjustment.

Depending on its funding availability, NOAA may extend the grant period with additional funding up to three years. If this were to occur, the Water Agency would return to the Board to request further approval.

Prior Board Actions:

11/5/13: Board Resolution supporting continued development of the San Francisco Bay Area Advanced Quantitative Precipitation Information System and its inclusion in the San Francisco Bay Area's Proposal under Round 3 of Proposition 84 Integrated Regional Water Management Implementation Grant Funding.

6/25/13: Board Action authorizing the General Manager to execute an agreement with the United States Department of the Interior, United States Geological Survey for enhancement of Russian River climate change hydrology.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

County Goal 2: The Project will enhance community resilience to droughts by improving management of water resources at reduced cost.

Water Agency Water Supply Goals and Strategies, Goal 1: Work with water contractors to retain and improve the reliability of the water supply production and distribution systems, including during short-term emergencies, such as earthquakes, and during long-term challenges caused by extended droughts and global climate change.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$	Water Agency Gen Fund	\$ 72,400
Add Appropriations Req'd.	\$ 964,000	State/Federal	\$ 690,000
	\$	Fees/Other	\$ 201,600
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 964,000	Total Sources	\$ 964,000

Narrative Explanation of Fiscal Impacts (If Required):

The Water Agency will be reimbursed \$690,000 under the Grant and will provide a cost share of \$274,000. Additional appropriations are required to process the expenditure in FY14-15. With Board approval, appropriations will be made in the next quarterly Consolidated Budget Adjustment as follows:

Water transmission and water supply funds (\$706,100), Warm Springs Dam (\$185,500), and Water Agency General Fund (\$72,400).

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:

NOAA Blueprint Grant Proposal (1 copy)

SCH\S:\CL\AGENDA\MISC\09-16-2014 WA RR HABITAT BLUEPRINT GRANT_SUMM.DOCM

CF/45-11-20 US DEPARTMENT OF COMMERCE, NOAA (GRANT AGREE FOR RUSSIAN RIVER HABITAT PLANNING, RESTORATION, AND COORDINATION PROGRAM) FP-00069 (ID 5112)



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: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s):

Staff Name and Phone Number:

Veronica Ferguson

Supervisorial District(s):

3rd and 5th

Title: Memorandum of Understanding

Recommended Actions:

Approve the members of the Southwest Santa Rosa Annexation Board of Supervisors Ad-Hoc to sign a Memorandum of Understanding with Santa Rosa establishing the purpose of the joint County-City Annexation Committee

Executive Summary:

At the December 9, 2013 Board of Supervisors meeting, the Chair formed a Southwest Santa Rosa Annexation Ad Hoc Committee, comprised of Supervisors Zane and Carrillo. While the primary purpose of the Ad Hoc is to work in collaboration with the City of Santa Rosa to develop a plan to annex the unincorporated islands located in Southwest Santa Rosa, the County recognizes that the annexation planning and application process will take an extended period of time to complete. To help the community and the City of Santa Rosa thrive during that process, and in the event that annexation of all islands does not occur, the Ad Hoc Committee is also reviewing ways to enhance the area by investing in the beauty, safety, and sustainability of the community.

To facilitate a cooperative working relationship through the annexation process, members of the Santa Rosa City Council and the County's Ad-Hoc have held regular meetings, as a joint City/County Annexation Committee. As part of the collaborative work and information sharing at these committee meetings, a Memorandum Of Understanding (MOU) was agreed upon to help frame the parameters of the committees work.

The MOU commits the City and County to continued discussions with the goal of developing a Pre-Annexation Agreement addressing cost sharing related to the Roseland Area Annexation (map attached) and the transition of public services for this area. The MOU also commits the City and County to discussing the timing of the future annexations of additional County lands within the Santa Rosa Urban

Growth Boundary, taking into consideration the available resources of the City and County after the Committee has addressed and agreed upon resolution of the issues relating to the Roseland Area Annexation unless mutually agreed by the City and County. The MOU does not alter the legally required annexation process, and all recommendations related to Annexation of Southwest islands will come to the full Board for consideration when appropriate.

The Santa Rosa City Council approved the MOU on July 15, 2014, and the next joint City/County Annexation Committee is currently scheduled for October 9th. With your Board's approval, the MOU will be signed at the Committee meeting.

Prior Board Actions:

Strategic Plan Alignment Goal 4: Civic Services and Engagement

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

Staffing Impacts

Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Attachments:
City-County Committee Memorandum of Understanding Proposed Annexation Map Southwest Santa Rosa Annexation Ad Hoc Committee Charter
Related Items "On File" with the Clerk of the Board:

County of Sonoma
Southwest Santa Rosa Annexation Ad-Hoc Committee
Charter/Scope of Work

At the December 9, 2013 Board of Supervisors meeting, the Chair formed a Southwest Santa Rosa Annexation Ad Hoc Committee. While the primary purpose of the Ad Hoc is to work in collaboration with the City of Santa Rosa to develop a plan to annex the unincorporated islands located in Southwest Santa Rosa, the County recognizes that the annexation planning and application process will take an extended period of time to complete. To help the community and the City of Santa Rosa thrive during that process, and in the event that annexation of all islands does not occur, the Committee is also to review ways to enhance the area by investing in the beauty, safety, and sustainability of the community.

Committee Members

Shirlee Zane, Board of Supervisors, Third District
Efren Carrillo, Board of Supervisors, Fifth District

County Department Resources

Veronica Ferguson County Administrator's Office
Peter Rumble County Administrator's Office
Rebecca Wachsberg County Administrator's Office

Subject matter experts from the Permit & Resource Management Department, Community Development Commission, Transportation & Public Works, the Sheriff's Office, Economic Development Board, and other departments as needed.

Outcomes

The desired outcome will be to strengthen the resiliency of the Southwest Santa Rosa community, particularly including the facilitation of the annexation process of unincorporated islands. This will be accomplished by applying the values of equity and justice to services and infrastructure needed and provided.

Primary to this facilitation, desired outcomes will include:

- Leading successful educational outreach on the annexation process with community members
- Accurately measuring community sentiment
- Identifying and establishing plans to address needs that will build resiliency and promote economic vitality in the community
- Supporting the successful completion of the Roseland Area Priority Development Area (PDA)
- Establishing an ideal timeline/process for annexation including successfully completing a Memorandum of Understanding that encompasses an agreement on cost sharing between the County and the City of Santa Rosa

County of Sonoma
Southwest Santa Rosa Annexation Ad-Hoc Committee
Charter/Scope of Work

Budget

Estimated staff time to conduct research and provide support necessary to develop the Ad Hoc Committee's recommendations for Board approval is 160-180 hours in the County Administrator's Office, totaling approximately \$17,000-\$20,000. This time will be covered within existing General Fund appropriations.

It is also anticipated that Departmental staff work during the planning phase will be covered within existing appropriations. However, as the activities of the ad hoc and Joint City/County Roseland Annexation Committee progress, there may be a need for additional appropriations for County Counsel, PRMD, and others whose may be called on to participate in the review of the community and the factors impacting resiliency and the annexation process. As specific projects related to service and infrastructure needs are identified by the ad hoc, budgets for both planning and execution will be established.

Outside support will likely be needed to conduct public education, outreach, and sentiment assessments. Several local non-profit organizations may be available to carry out this work at minimal costs. There may also be a need for minimal outside legal expertise. Estimated cost is between \$185-350 per hour, should legal consultant advice be warranted.

Phases

Planning Phase

Committee will review and evaluate:

- Efforts to date relative to prior SW Santa Rosa annexation efforts
- The annexation process specific to SW Santa Rosa islands
- Proposed framework for guiding Annexation discussions/negotiations with Santa Rosa
- Proposed annexation outreach plans from the Joint Committee and staff
- Proposed sentiment survey, and coordinate the performance of the survey with the City
- County costs related to current services provided in unincorporated islands in SW Santa Rosa
- County costs related to the annexation process
- Proposed projects in SW Santa Rosa that will enhance service and infrastructure levels and contribute to community resiliency
- Proposals for cost sharing between the County and City of Santa Rosa
- Directions for staff on further research/investigative efforts
- Prepare and present Board report

Planning Phase Deliverables:

- Reports to the full Board recommending projects for service and infrastructure development in SW Santa Rosa.

County of Sonoma
Southwest Santa Rosa Annexation Ad-Hoc Committee
Charter/Scope of Work

- A plan for the annexation of unincorporated islands in SW Santa Rosa, as appropriate, including a Memorandum of Understanding between the County and the City of Santa Rosa.

At the one year point the need for the Ad Hoc should be reviewed to determine if a more formal Board Committee should be established.

Implementation Phase

Work may include:

- Continue to work with the City to engage appropriate community stakeholders and residents in the impacted areas
- Receive staff updates on the progress of the implementation of the annexation plan, and provide direction to staff as needed
- Continue engagement with the City of Santa Rosa to support plan implementation

This phase would conclude with the initiation of the annexation process with LAFCO.

Execution Phase

Work may include:

- Continuing community engagement efforts in partnership with the City
- Provide support as needed for the LAFCO annexation process

Revised June 24, 2014

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is entered into this ____ date of July 2014, by and between the City of Santa Rosa (hereinafter “City”) and the County of Sonoma (hereinafter “County”).

RECITALS

WHEREAS, on May 21, 2013 the Santa Rosa City Council adopted a strategic objective to prepare a work plan and cost estimate for Roseland Annexation; and

WHEREAS, on April 1, 2014, the City Council adopted a work plan outlining nine tasks and committing \$1.17 million toward the annexation of the Roseland Area; and

WHEREAS, Sonoma County has formed a Southwest Santa Rosa Annexation Ad-Hoc Committee, and has committed significant staff time and funds to support annexation efforts and investments in the beauty, safety, and sustainability of the southwest Santa Rosa community; and

WHEREAS, the City and County have formed a Joint City/County Roseland Annexation Committee to negotiate a Pre-Annexation Agreement which encompasses cost sharing between the City and County with respect to the Roseland Annexation area, as shown on Exhibit A, to address significant issues including, but not limited to, cost of services, transition of public services from County to City and related costs, pending plans for public facilities and related costs, onetime costs of annexation, environmental liabilities, allocation of property taxes, other fees and assessments; and

WHEREAS, the City and County are interested and will work together in successful education and outreach regarding the annexation process as well as accurate measurement of community sentiment regarding annexation; and

WHEREAS, the City has identified conducting sentiment surveys in the adopted Roseland Annexation Work Plan and will work collaboratively with the County and the community to conduct surveys, and other tasks, consistent with this work plan; and,

WHEREAS, the City and County find it desirable and necessary to also discuss the timing for future annexation of the additional southwest unincorporated lands within the Santa Rosa Urban Growth Boundary based upon available City resources and other resources that may

be contributed by the County upon conclusion of the work required for the Roseland Annexation unless mutually agreed by the City and County; and

WHEREAS, the County will budget for and implement service and infrastructure development in unincorporated southwest Santa Rosa.

THE PARTIES HEREBY AGREE AS FOLLOWS:

APPLICATION

In consideration of the time and funding committed by the City to process the annexation application for the Roseland Area Annexation, the County agrees that it will support the City's application to Sonoma Local Agency Formation Commission and will not seek additional conditions that have not been agreed upon by the City and the County prior to submission of the application.

JOINT CITY/COUNTY ROSELAND ANNEXATION COMMITTEE

The County and the City have established a joint committee to discuss the financial aspects of the proposed annexation and make recommendations to their respective board and council for funding and other commitments necessary to successfully annex the Roseland area. The goal of this effort is to develop a Pre-Annexation Agreement addressing cost sharing. The parties agree that the focus of the committee will be on the Roseland Area Annexation as illustrated in Exhibit A and the transition of public services for this area.

The parties will also discuss in good faith, the timing of the future annexation of the additional County lands in southwest Santa Rosa within the Santa Rosa Urban Growth Boundary, taking into consideration the available resources of the City and County after the Committee has addressed and agreed upon resolution of the issues relating to the Roseland Area Annexation unless mutually agreed by the City and County.

Meetings of the Joint Committee shall be held at least quarterly as determined by the committee. Updates will be provided at these meetings from time to time regarding implementation of the Roseland Annexation Work Plan and the Roseland Area / Sebastopol Road Specific Plan.

CITY OF SANTA ROSA

COUNTY OF SONOMA

By: _____
Mayor,

By: _____
County Supervisor, Roseland
Annexation Committee Member

Date: _____

Date: _____

By: _____
County Supervisor, Roseland
Annexation Committee Member

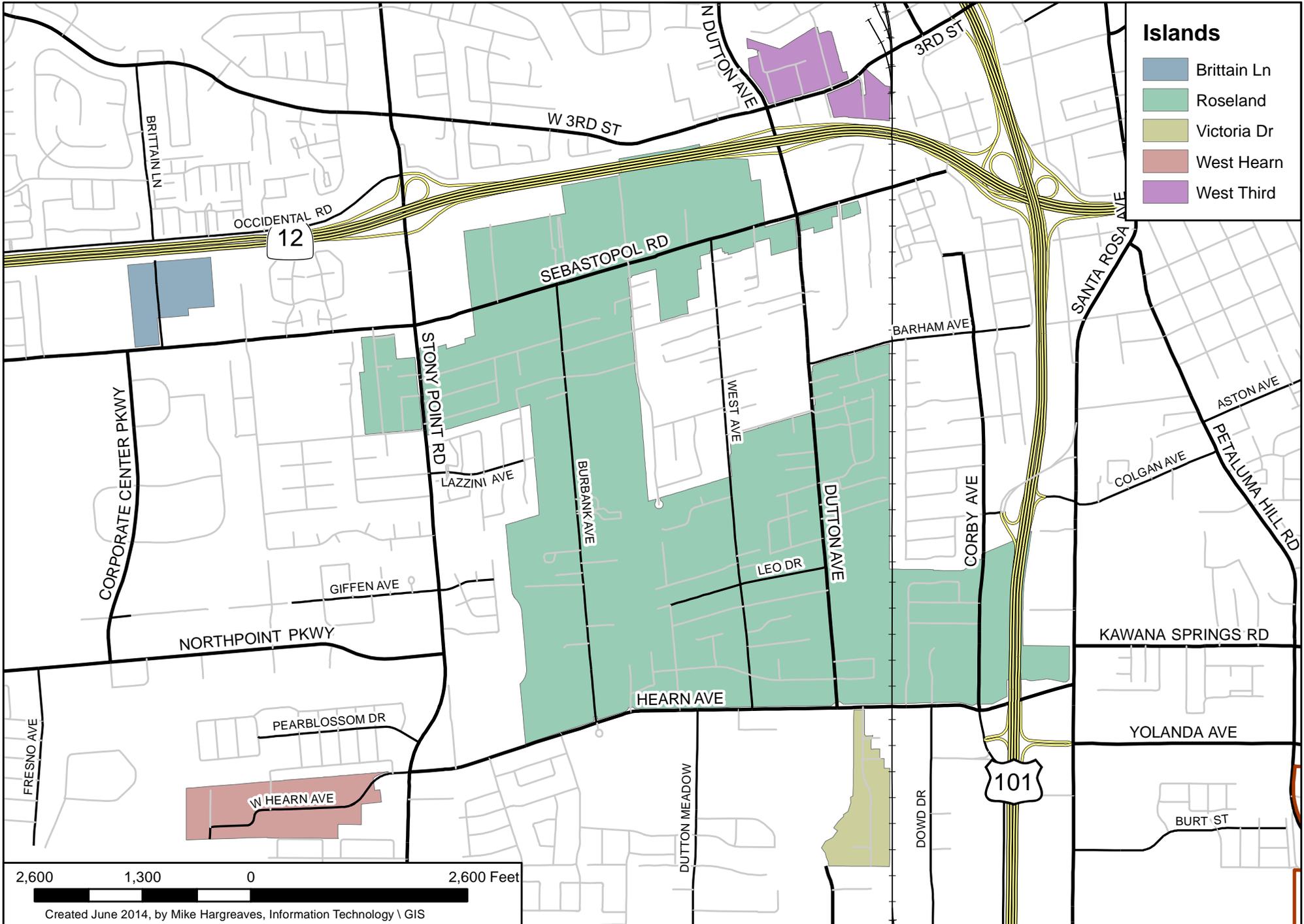
Date: _____

Approved as to form

City Attorney

Date: _____

Exhibit A Roseland Annexation Area





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: September 16, 2014

Vote Requirement: Majority

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

Staff Name and Phone Number:

Michelle Arellano, 565-2431

Supervisorial District(s):

All

Title: Updated Advertising and Promotions Policy

Recommended Actions:

- A. Adopt updated Advertising and Promotions Policy and direct staff to re-open time limited application process for additional Fiscal Year 14-15 funding available through Signage and Way Finding Category.
- B. Approve Fiscal Year 2014-15 Advertising Program grant award and authorize the County Administrator to execute a contract with the Graton Labor Center for the DREAMers documentary film project (\$10,000).
- C. Allocate Fiscal Year 2014-15 Advertising Program grants to support the Public Art Policy Implementation (\$15,000) and the Hispanic Heritage Month Business Visits Program (\$6,000).
- D. Authorize the County Administrator to execute an amendment to the agreement with the Russian River Chamber of Commerce to conduct positive messaging campaign for tourism this summer, extending the term for one year through June 30, 2015 and maintaining the current agreement amount of \$12,500.

Executive Summary:

This item requests Board consideration and approval of various Advertising and Promotions Program Policy amendments, including re-opening a time limited application process for Signage and Way Finding Category in Fiscal Year 14-15 and implementation of two new program categories for Fiscal Year 15-16, and actions related to Fiscal Year 14-15 funding. The proposed recommendations have been reviewed and examined by Advertising Program Committee liaisons, Supervisors Efren Carrillo and Mike McGuire.

Background

During the June 16, 2014 Fiscal Year 14-15 Budget Hearings, your Board approved grant awards based on the applications received for Fiscal Year 14-15, including an allocation of Advertising Contingencies of \$20,000 to fund film documentaries subject to the development of a formal process to review requests. Your Board also directed staff to analyze visitor/guest requirements and the overall grant Advertising and Promotions Policy (Policy) and return with these updates.

Proposed Policy Changes

The proposed policy changes are summarized below and the proposed Policy is attached (Attachment A – original policy with proposed amendments in track changes, Attachment B – final proposed policy for adoption).

1) Category A5 – Visitor Finding and Signage

Increase the maximum amount in this category by \$50,000, bringing to a new total of \$100,000 and open the Category A5 application filing period for a limited time to allow for requests of additional funds made available during Fiscal Year 14-15. Should the Board approve re-opening the filing period; staff will initiate an open application process between September 16 - 30, 2014, for the program category and return to the Board with recommendations on grant awards in October.

2) Category E – Local Events and Organizations

Broaden the definition for funding by expanding to include funding for economic development efforts that promote Sonoma County. This will allow funding for activities and community oriented programs that contribute to the improvement of the economic well-being and quality of life in Sonoma County.

3) Category H - Film Documentaries

New category designed to support Sonoma County based documentary films that document and promote or maintain a historical record of the region, culture, community and arts. The maximum allocation for this category is \$30,000 per year and a not to exceed allocation of \$10,000 per film.

During the Fiscal Year 14-15 Budget Hearings, the Board set aside \$10,000 in Advertising Contingencies to fund the DREAMers film documentary project pending the development of a formal process to review requests. Production for the DREAMers film documentary began in July 2014 and in an effort to avoid potential project delays based on tight production deadlines, staff is recommending that the Board grant the funding as a one year solution and address future requests as detailed under the proposed new category. The DREAMers documentary film and social media project celebrates young immigrants in Sonoma County who share their story of accomplishments in school, work, athletics and other community activities as well as to provide insight into undocumented and mixed-status families (Attachment C - Application).

4) Category I - Seasonal and Off Peak Programs

New category designed to promote seasonal programs, events and cultural and artistic organizations as well as events that occur during the off peak tourism season (November 15 through April 15) which draw countywide and regional interest and can demonstrate participants and visitors from within and/or outside the county. This category shall assist with the direct cost of advertising with a maximum allocation of \$50,000 per year under this category. Of that amount, \$30,000 will be designated to off peak programs and \$20,000 to seasonal programs with a not-to-exceed allocation of \$5,000 per contribution.

Should the Board approve the proposed policy changes staff will modify the Fiscal Year 2015-16 Request for Funding Application to include the proposed new Categories for Film Documentaries and Seasonal

and Off Peak Programs.

Allocation of Fiscal Year 2014-15 Advertising Program Grants

Hispanic Heritage Month Business Visits Program:

The Economic Development Board is leading efforts to coordinate a Hispanic Heritage Month Business Visits Program during the month of September 2014 that allows members of the Board to reach out to, and visit, Latino business leaders and entrepreneurs in their respective districts thereby creating an opportunity for Latino business owners to have focused attention from their County Supervisor. The business visits program will conclude with an Economic Impact breakfast sponsored by Los Cien on October 2, 2014. An advertising grant award of \$6,000 is being requested to advertise and market the program in the Press Democrat as well as to sponsor tables at the Economic Impact breakfast for representatives of the Latino businesses visited by members of the Board.

Art on County Property Policy Implementation

On August 12, 2014, the Board approved the Public Art Policy which provides guidelines for displaying artwork in facilities owned, controlled and/or leased by the County or special districts and agencies governed by the members of the Board of Supervisors. The Voigt Family Sculpture Foundation, which promotes placing sculptures in public places in the County, is in discussions to partner with the County to provide sculptures for public display. Although the Public Art Policy provides installation agreement guidelines for mounting and installing artwork and/or displays, it does not address responsibility for providing the base needed to keep sculptures in place. An advertising grant award of \$15,000 is being requested to assist with the expenses associated for providing a base for sculptures for this year and as in interim solution pending staff review for addressing sculpture foundations in the Public Art Policy.

Agreement with the Russian River Chamber of Commerce

On June 25, 2013 the Board granted the Russian River Chamber of Commerce an Advertising Program grant award of \$12,500 to conduct a positive messaging campaign for tourism during the summer and fall of 2013 as a result of the lower flows to the Russian River. Although funding was to be used during Fiscal Year 13-14, planning for campaigns must start months in advance and by the time the award was granted, summer was well underway. The Chamber started a radio and social media campaign in Spring 2014 which is set to run through September 2014. Local businesses have assisted with donating lodging, meals, and kayak rentals for prizes for the radio campaigns. The Board is being requested to extend the term of the agreement through June 30, 2015 to allow for the continued promotion, initiated in the Spring, through this summer and fall.

Prior Board Actions:

6/10/13: Board approved updates to the Advertising and Promotions Program Policy

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

Through grants provided to local non profits to promote the county and encourage tourism the

Advertising Program encourages economic development and job growth.

Fiscal Summary - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$ 10,000	County General Fund	\$
Add Appropriations Req'd.	\$ 21,000	State/Federal	\$
	\$	Fees/Other	\$ 10,000
	\$	Use of Fund Balance	\$ 21,000
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$ 31,000	Total Sources	\$ 31,000

Narrative Explanation of Fiscal Impacts (If Required):

This item requests \$21,000 from Fiscal Year 2014-15 Program Fund Balance to support the Public Art Policy implementation and the Hispanic Heritage Month Business Visits Program. \$10,000 to fund the film documentary is budgeted for Fiscal Year 2014-15.

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 A – DRAFT Advertising and Promotions Policy (Red Line)
- Attachment B – Final DRAFT Advertising and Promotions Policy for adoption
- Attachment C – DREAMers Film Documentary Grant Application
- Attachment D – Proposed Amendment to the Agreement with Russian River Chamber of Commerce

Related Items “On File” with the Clerk of the Board:

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ADVERTISING & PROMOTIONS PROGRAM POLICY

I. SOURCE OF FUNDS

The Transient Occupancy Tax (Hotel/Motel Tax or Bed Tax) is authorized under State Revenue and Taxation Code Section 7280 as an additional source of non-property tax revenue to local government. This tax is levied in Sonoma County at a rate of 9%. The code does not require any specific use of the Transient Occupancy Tax (TOT). Funds developed as a result of the TOT may be utilized for General Fund, Advertising Fund, or other purposes.

The Sonoma County Board of Supervisors has established a policy that 25% of the TOT funds are designated to the General Fund, and 75% of the funds will be used to finance advertising, promotional and other activities.

Activities performed utilizing Advertising Program grants provided to non-profit must also be consistent with Government Code Section 26100, which states that advertising funds may be utilized for the following purposes:

- A. Advertising, exploiting, and making known the resources of the county;
- B. Exhibiting or advertising the agricultural, horticultural, viticultural, mineral, industrial, commercial, climatic, educational, recreational, artistic, musical, cultural, and other resources or advantages of the county;
- C. Making plans and arrangements for a world's fair, trade fair, or other fair or exposition at which such resources may be exhibited;
- D. Doing any of such work in cooperation with or jointly by contract with other agencies, associations, or corporations.

For purposes of this policy:

- a. "Advertising" shall be taken to mean the cost of advertisements in radio, television, newspapers and magazines, printing of newsletters, direct mail, posters and handbills, internet and other paid advertising, the purpose of which is to draw an increased attendance at an event.
- b. "Promotions" shall be taken to mean costs of communication primarily directed outside of the County for which the purpose is the further recognition of Sonoma County and/or regional areas, events and/or activities in order to achieve favorable media attention and/or large audience exposure. Examples of communication may include attendance at trade shows, public relations activities, in-county familiarization tours and marketing programs.

II. POLICY STATEMENT

The Board of Supervisors wishes to encourage tourism, agriculture, and economic development in the County by supporting a series of promotional, community, and cultural, activities through the use of Advertising funds for: regional and national advertising, support of the community's spirit and its art/cultural programs, and promotion of other special events as deemed, by the Board, consistent with this Policy. Funding levels will be established annually based on collections.

Except where provided for differently, the Board has established the following general principles which shall govern the allocation of advertising funds:

1. The Board may provide advertising funds to private non-profit organizations whose purpose is to promote cultural activities, historical preservation activities, promotional activities which enhance tourism and industry, and/or local community events which encourage a sense of community. For purposes of this policy, to qualify as a cultural or artistic organization, the organization must have an annual program consisting of a series of presentations and/or activities. The organization must also have subscriptions, season tickets, and/or non-exclusive memberships, which provides financial support for the organization.
2. Any event promoted by clubs, fraternal organizations, societies, human service organizations, and other similar type organizations, and for which the proceeds of the event will be used to fund other activities, are not eligible for Advertising funds.
3. Advertising fund grant awards will be based upon an evaluation of all application materials, with a focus on the return on investment and benefit to be gained, including potential tourism and business revenue, from providing financial support to the event/organization. Events and organizations who demonstrate ability to receive and/or contribute match funding or grants as the result of receipt of Advertising funds will be given priority consideration in the application review process and in consideration of amount of grant award.
4. Costs for staff salaries, overhead, travel expenses (such as transportation, lodging and/or meals) and fixed assets are not allowable advertising and promotions reimbursable expenses. (Economic Development, Historical Commission, and Departmental activities as indicated in section A.3, B, D, and G are exempt from this provision.)
5. Entities will be required to include the County of Sonoma logo and/or statement indicating sponsorship and/or support on all printed promotional materials, unless otherwise requested or agreed upon with the County.
6. County funds are not to be used for individual business promotion or advertisement. Any business name mentioned in county funded materials must be a sponsor or direct participant in the event or promotional effort. Any listing of service or product providers or co-sponsors must be inclusive. Any advertising space or time purchased by an individual business must be clearly and separately identified as paid advertising.
7. Advertisers with multiple events are asked to submit only one (1) application per agency/IRS tax number. Advertisers may apply for grants for various events and under various categories within the single application. Each separate event or activity for which funds are requested must identify the category(s) under which the event qualifies and is applying for funds.

III. ACTIVITIES ELIGIBLE FOR ADVERTISING AND PROMOTIONS FUNDS

A. Economic Development and Promotional Organizations

The Board desires to designate available funds towards projects and initiatives that stimulate and expand the county's economic vitality.

1. **Chambers of Commerce:**

Funding may be provided to Chambers of Commerce serving unincorporated areas of Sonoma County. Chambers located in the unincorporated area of the county will be given priority in funding consideration. Allocation of funds will be based upon a 10% match of membership dues and private cash contributions that are discretionary revenue to the chamber and are not associated with a particular event, function or position. A maximum of \$30,000 per year may be made available for Chambers of Commerce.

2. **Visitors Centers:**

Funding for Visitor Centers within the county may be considered at the discretion of the Board of Supervisors. For purposes of funding, Visitors Centers will be distinct from the Tourism Marketing Program. Requests for funding will be made annually.

3. **Economic Development Board:**

The Board of Supervisors has designated the Economic Development Board (EDB) to provide business assistance services to enable local businesses to maintain or expand their operations. The EDB will request funds annually through the budget process and will be considered at the discretion of the Board of Supervisors.

4. **Tourism Marketing Program:**

As determined by the Board of Supervisors, the County will provide TOT funds for advertising and promotional efforts as provided by the Sonoma County Tourism Bureau (SCTB). A sum equivalent to the first 2% of the 9% TOT tax collected in the unincorporated Sonoma County will be designated for the SCTB. The county's TOT contribution to SCTB is disbursed through the EDB budget.

5. **Visitor Way Finding and Signage:**

Funding may be provided for permanent signage related to visitor way finding and area identification. These funds are intended for the installment and maintenance of permanent identification signs, not temporary or event promotion signs. A maximum of ~~\$50,000~~100,000 per year may be made under this category.

B. County Tourism Impacts

1. **Parks & Recreation:**

The Board of Supervisors desires to provide TOT funds for to County departments for recreational activities that benefit local tourism activities and the tourist industry, including, but not limited to, the Regional Parks Department and the Fairgrounds and Exposition, Inc. Funding provided to the Regional Parks Department is allocated for operations and maintenance of existing park facilities only. Requests for TOT funds from County departments will be reviewed annually on a case-by-case basis and will be considered at the discretion of the Board of Supervisors.

2. Community Safety:

The Board of Supervisors desires to address potential impacts on visitors' and residents' safety as a result of high-impact tourism within the unincorporated areas of the county. A maximum of \$90,000 per year may be made available under this category as Program funding allows. Request for Advertising funds under this category will be reviewed annually on a case-by-case basis.

The following guidelines and specific criteria must be met to be eligible for funding under this category:

- a. Only public safety agencies located in the unincorporated area of the county may apply under this category.
- b. Applicants must request funding for a specific purpose (i.e. personnel training, safety equipment, etc.) and include the cost of the activity in relation to the amount of grant funds being applied for.
- c. Applicants must demonstrate a clear nexus between the grant request activity and impacts of tourism resulting in the necessity of the activity.
- d. Applicants must demonstrate a clear nexus between the request activity and the benefit to the resident and visitor population within the unincorporated area of the county resulting from the activity.

C. Agricultural Promotion

The Board of Supervisors desires to support advertising campaigns and promotional activities directed by Sonoma County agricultural and viticulture industries.

1. A maximum of \$150,000 per year may be made available for agricultural and viticulture industries under this category.
2. The following general guidelines shall apply to this category:
 - a. In order to promote collaborative advertising and promotional efforts within the agricultural sector, only one application will be considered under this category. Such application shall include promotion of the major agricultural related activities within Sonoma County.
 - i. Application requests that include multiple agency efforts will require submission of agency budgets from all involved agencies.
 - ii. If county funds are redistributed to other agencies a Memorandum of Understanding (MOU) between agencies must be submitted with application.
 - b. Agency applying under this category must be responsive to requests for visitor information on a year-round basis.
 - c. The request must be part of a larger advertising program. Industry commitment as demonstrated by matching industry/membership contributions must exceed request for funding from County advertising program.

D. Historical Commissions

The Board of Supervisors desires to support historical preservation of the county's culture and historical records and architecture.

1. A maximum of \$30,000 per year may be made available for this category.
2. The County has designated the Sonoma County Landmarks Commission to advise on the distribution of funds for preservation and restoration of historically significant buildings. Funding may be provided to this Commission to accept grant applications for the renovation, restoration and/or preservation of historical facilities.
3. The Board has designated a Historical Records Commission to review and make recommendations regarding the maintenance and destruction and retention of records, which may be of historical significance. Funding under this category may be provided for these activities.

E. Local Events and Organizations and Economic Development

The Board has established this category to assist small cultural, artistic, and countywide events and organizations as well as events occurring during the off peak tourism season (November 15 through April 15) with ~~the direct cost of funding for~~ advertising and economic development efforts that promote Sonoma County and in order to encourage visitors to frequent the county throughout the entire year. Funding for these events and organizations will be at the discretion of each Supervisorial District. Events and organizations will make requests annually to the Supervisorial District in which their event/organization exists.

\$160,000 has been allocated for district discretion. 50% of this allocation will be divided equally across each district as baseline funding. The remaining 50% will be divided by the percent of TOT collections by district in the previous fiscal year.

F. Major County Events and Organizations

The Board of Supervisors desires to promote major events and cultural and artistic organizations which draw countywide, regional, state and national interest as evidenced by widespread media promotion and which can demonstrate a significant population of participants and visitors from outside the county.

1. A maximum of \$300,000 per year may be made available for major events and organizations within this category.
2. The following general guidelines apply to this category:
 - a. Must demonstrate overall attendance in excess of 15,000, with significant (20% or more) demonstrated attendance from out of the county.
 - b. Must demonstrate extent of out-of-county attendance and demonstrate link to overnight stays from attendees.
 - c. Must demonstrate advertising expenses exceeding \$25,000, of which the Advertising funds being requested must not exceed 50% of total advertising expenses for the event or organization.
 - d. Must demonstrate a major advertising campaign plan focused outside of the county.

- e. Must demonstrate the extent to which the event, season series, exhibit, or marketing effort will support the county's economic development in the form of local job promotion, local education contribution, and/or local business-chambers of commerce-visitors centers partnerships.
3. The maximum advertising fund contribution which can be applied for is \$50,000.
 4. The following will be requested as part of the application process for all events and organizations who apply for advertising funds under this category. This information is not required and failure to provide will not result in disqualification, however, the information will be used to determine grant awards and amounts based on demonstrated ability to most effectively promote tourism, agricultural, and/or economic development.
 - a. A complete Advertising Fund grant application (form provided by the County);
 - b. A completed post-program/event report containing results and benefits of prior year activities and events, if the entity received Advertising Funds in the previous fiscal year (form provided by the County);
 - c. Detail the advertising/promotional campaign for which advertising funds are being requested, including the type of advertising and region(s) of promotion;
 - d. Detail how these activities will promote attendance, including expected attendance, overnight stays, and visitor spending; and
 - e. Detail how the County of Sonoma organization will be promoted as an organization/event sponsor in advertising materials, available event/booth attendance, and other such activities. Information should also be provided on available sponsorship packages.

G. County Government Departmental Activities

The Board of Supervisors desires to provide Advertising funds for certain county departmental activities that benefit local tourism activities and the tourist industry, and which preserve and promote Sonoma County history. Advertising funds may be used for salaries of County employees when participating in activities funded by Advertising funds. Administrative costs (including collection, audit, program coordination, consultant, and legal services), should not exceed 10% of the estimated and/or budgeted TOT revenues.

Request for Advertising funds from departments will be reviewed annually on a case-by-case basis.

1. Miscellaneous Department Activities:

Funding may be provided to County departments to advertise specific activities which promote tourism and awareness of the County, including, but not limited to, the Sonoma County Library, the Sonoma County State Capital Exhibit, and similar endeavors; as well as provide for venue services where tourist and community activities take place.

2. Affordable Housing:

Funding may also be identified for an affordable housing program. Funding designated for affordable housing shall be recommended by the County Administrator's Office based on available funding and approved by the Board of Supervisors on an annual basis. As a goal,

funds will be recommended based upon 50% of revenues directed toward this fund that are generated from facilities established after 2002, pursuant to the March 2002 Board Policy Workshop, and after categories A-H have been funded at appropriate levels.

The Community Development Commission and the Permit and Resources Management Department shall make requests for these funds annually through the budget process for funding affordable housing programs and related efforts as well as for implementation of the Housing Element. Additionally, \$60,000 shall remain in the Affordable Housing Set Aside Fund within the Advertising Program to be available for emergency shelter needs that arise throughout the year that have not been addressed elsewhere.

Should additional funds set aside for affordable housing remain available following these requests and the Set Aside, the funds shall be allocated to the existing County Fund for Housing (CFH), administrated by the Community Development Commission.

3. Collections/Audit Services:

Revenue and tax collection services and program and grantee audit services are provided for this Program. Funding shall be recommended by the County Administrator's Office annually to fund these activities.

4. Legal Services:

Legal guidance, advice, interpretation and other related services are provided for this Program. Funding shall by recommended be the County Administrator's Office annually to fund these activities.

5. Program Administration Services:

Administration of this Program, including policy management and review, budget management and review, application review and recommendation, contract management, claims processing, and other related activities are provided by the County Administrator's Office. Funding shall by recommended be the County Administrator's Office annually to fund these activities.

H. Documentary Films

The Board of Supervisors desires to support Sonoma County based documentary films that document and promote or maintain a historical record of the region, culture, community and arts.

1. A maximum of \$30,000 per year may be made available for documentary film production, with an allocation not to exceed \$10,000 per film.
2. The following general guidelines apply in this category:
 - a. Must demonstrate historical, current social issues, cultural, regional or specific human experiences in Sonoma County that raise awareness and create an impact upon the viewing audience.
 - b. Must have real, factual situations and circumstances which leave audiences better informed.
 - c. Must provide detail of advertising/promotional campaign activities, including the type of advertising and region(s) of promotion.

- d. Must be able to demonstrate that the film will be exhibited publicly, including but not limited to broadcast and cable television, and Internet transmission.
- e. Applicant must provide a production timeline and the cost of the activity in relation to the amount of grant funds being applied for.

I. Seasonal and Off Peak Programs

The Board of Supervisors desires to promote seasonal programs, events and cultural and artistic organizations as well as events that occur during the off peak tourism season (November 15 through April 15) which draw countywide and regional interest and which can demonstrate participants and visitors from within and/or outside the county. The program will pay for the direct cost of advertising.

1. A maximum of \$50,000 per year may be made available under this category. Of that amount, \$30,000 will be designated for off peak programs and \$20,000 for seasonal programs.
2. The maximum advertising fund contribution which can be applied for is \$5,000.
3. The following general guidelines apply to this category:
 - a. Must detail overall attendance from in and/or outside of the county.
 - b. Must demonstrate local and/or out of county advertising campaign plan.
 - c. Must demonstrate the extent to which the event, seasonal program, exhibit or marketing effort will support the County's economic development in the form of local job promotion, local education contribution, and/or overnight stays from attendees.
 - d. Must provide a budget of total advertising expenses in relation to the amount of grant funds being applied for.

ADVERTISING & PROMOTIONS PROGRAM POLICY

I. SOURCE OF FUNDS

The Transient Occupancy Tax (Hotel/Motel Tax or Bed Tax) is authorized under State Revenue and Taxation Code Section 7280 as an additional source of non-property tax revenue to local government. This tax is levied in Sonoma County at a rate of 9%. The code does not require any specific use of the Transient Occupancy Tax (TOT). Funds developed as a result of the TOT may be utilized for General Fund, Advertising Fund, or other purposes.

The Sonoma County Board of Supervisors has established a policy that 25% of the TOT funds are designated to the General Fund, and 75% of the funds will be used to finance advertising, promotional and other activities.

Activities performed utilizing Advertising Program grants provided to non-profit must also be consistent with Government Code Section 26100, which states that advertising funds may be utilized for the following purposes:

- A. Advertising, exploiting, and making known the resources of the county;
- B. Exhibiting or advertising the agricultural, horticultural, viticultural, mineral, industrial, commercial, climatic, educational, recreational, artistic, musical, cultural, and other resources or advantages of the county;
- C. Making plans and arrangements for a world's fair, trade fair, or other fair or exposition at which such resources may be exhibited;
- D. Doing any of such work in cooperation with or jointly by contract with other agencies, associations, or corporations.

For purposes of this policy:

- a. "Advertising" shall be taken to mean the cost of advertisements in radio, television, newspapers and magazines, printing of newsletters, direct mail, posters and handbills, internet and other paid advertising, the purpose of which is to draw an increased attendance at an event.
- b. "Promotions" shall be taken to mean costs of communication primarily directed outside of the County for which the purpose is the further recognition of Sonoma County and/or regional areas, events and/or activities in order to achieve favorable media attention and/or large audience exposure. Examples of communication may include attendance at trade shows, public relations activities, in-county familiarization tours and marketing programs.

II. POLICY STATEMENT

The Board of Supervisors wishes to encourage tourism, agriculture, and economic development in the County by supporting a series of promotional, community, and cultural, activities through the use of Advertising funds for: regional and national advertising, support of the community's spirit and its art/cultural programs, and promotion of other special events as deemed, by the Board, consistent with this Policy. Funding levels will be established annually based on collections.

Except where provided for differently, the Board has established the following general principles which shall govern the allocation of advertising funds:

1. The Board may provide advertising funds to private non-profit organizations whose purpose is to promote cultural activities, historical preservation activities, promotional activities which enhance tourism and industry, and/or local community events which encourage a sense of community. For purposes of this policy, to qualify as a cultural or artistic organization, the organization must have an annual program consisting of a series of presentations and/or activities. The organization must also have subscriptions, season tickets, and/or non-exclusive memberships, which provides financial support for the organization.
2. Any event promoted by clubs, fraternal organizations, societies, human service organizations, and other similar type organizations, and for which the proceeds of the event will be used to fund other activities, are not eligible for Advertising funds.
3. Advertising fund grant awards will be based upon an evaluation of all application materials, with a focus on the return on investment and benefit to be gained, including potential tourism and business revenue, from providing financial support to the event/organization. Events and organizations who demonstrate ability to receive and/or contribute match funding or grants as the result of receipt of Advertising funds will be given priority consideration in the application review process and in consideration of amount of grant award.
4. Costs for staff salaries, overhead, travel expenses (such as transportation, lodging and/or meals) and fixed assets are not allowable advertising and promotions reimbursable expenses. (Economic Development, Historical Commission, and Departmental activities as indicated in section A.3, B, D, and G are exempt from this provision.)
5. Entities will be required to include the County of Sonoma logo and/or statement indicating sponsorship and/or support on all printed promotional materials, unless otherwise requested or agreed upon with the County.
6. County funds are not to be used for individual business promotion or advertisement. Any business name mentioned in county funded materials must be a sponsor or direct participant in the event or promotional effort. Any listing of service or product providers or co-sponsors must be inclusive. Any advertising space or time purchased by an individual business must be clearly and separately identified as paid advertising.
7. Advertisers with multiple events are asked to submit only one (1) application per agency/IRS tax number. Advertisers may apply for grants for various events and under various categories within the single application. Each separate event or activity for which funds are requested must identify the category(s) under which the event qualifies and is applying for funds.

III. ACTIVITIES ELIGIBLE FOR ADVERTISING AND PROMOTIONS FUNDS

A. Economic Development and Promotional Organizations

The Board desires to designate available funds towards projects and initiatives that stimulate and expand the county's economic vitality.

1. **Chambers of Commerce:**

Funding may be provided to Chambers of Commerce serving unincorporated areas of Sonoma County. Chambers located in the unincorporated area of the county will be given priority in funding consideration. Allocation of funds will be based upon a 10% match of membership dues and private cash contributions that are discretionary revenue to the chamber and are not associated with a particular event, function or position. A maximum of \$30,000 per year may be made available for Chambers of Commerce.

2. **Visitors Centers:**

Funding for Visitor Centers within the county may be considered at the discretion of the Board of Supervisors. For purposes of funding, Visitors Centers will be distinct from the Tourism Marketing Program. Requests for funding will be made annually.

3. **Economic Development Board:**

The Board of Supervisors has designated the Economic Development Board (EDB) to provide business assistance services to enable local businesses to maintain or expand their operations. The EDB will request funds annually through the budget process and will be considered at the discretion of the Board of Supervisors.

4. **Tourism Marketing Program:**

As determined by the Board of Supervisors, the County will provide TOT funds for advertising and promotional efforts as provided by the Sonoma County Tourism Bureau (SCTB). A sum equivalent to the first 2% of the 9% TOT tax collected in the unincorporated Sonoma County will be designated for the SCTB. The county's TOT contribution to SCTB is disbursed through the EDB budget.

5. **Visitor Way Finding and Signage:**

Funding may be provided for permanent signage related to visitor way finding and area identification. These funds are intended for the installment and maintenance of permanent identification signs, not temporary or event promotion signs. A maximum of \$100,000 per year may be made under this category.

B. County Tourism Impacts

1. **Parks & Recreation:**

The Board of Supervisors desires to provide TOT funds for to County departments for recreational activities that benefit local tourism activities and the tourist industry, including, but not limited to, the Regional Parks Department and the Fairgrounds and Exposition, Inc. Funding provided to the Regional Parks Department is allocated for operations and maintenance of existing park facilities only. Requests for TOT funds from County departments will be reviewed annually on a case-by-case basis and will be considered at the discretion of the Board of Supervisors.

2. Community Safety:

The Board of Supervisors desires to address potential impacts on visitors' and residents' safety as a result of high-impact tourism within the unincorporated areas of the county. A maximum of \$90,000 per year may be made available under this category as Program funding allows. Request for Advertising funds under this category will be reviewed annually on a case-by-case basis.

The following guidelines and specific criteria must be met to be eligible for funding under this category:

- a. Only public safety agencies located in the unincorporated area of the county may apply under this category.
- b. Applicants must request funding for a specific purpose (i.e. personnel training, safety equipment, etc.) and include the cost of the activity in relation to the amount of grant funds being applied for.
- c. Applicants must demonstrate a clear nexus between the grant request activity and impacts of tourism resulting in the necessity of the activity.
- d. Applicants must demonstrate a clear nexus between the request activity and the benefit to the resident and visitor population within the unincorporated area of the county resulting from the activity.

C. Agricultural Promotion

The Board of Supervisors desires to support advertising campaigns and promotional activities directed by Sonoma County agricultural and viticulture industries.

1. A maximum of \$150,000 per year may be made available for agricultural and viticulture industries under this category.
2. The following general guidelines shall apply to this category:
 - a. In order to promote collaborative advertising and promotional efforts within the agricultural sector, only one application will be considered under this category. Such application shall include promotion of the major agricultural related activities within Sonoma County.
 - i. Application requests that include multiple agency efforts will require submission of agency budgets from all involved agencies.
 - ii. If county funds are redistributed to other agencies a Memorandum of Understanding (MOU) between agencies must be submitted with application.
 - b. Agency applying under this category must be responsive to requests for visitor information on a year-round basis.
 - c. The request must be part of a larger advertising program. Industry commitment as demonstrated by matching industry/membership contributions must exceed request for funding from County advertising program.

D. Historical Commissions

The Board of Supervisors desires to support historical preservation of the county's culture and historical records and architecture.

1. A maximum of \$30,000 per year may be made available for this category.
2. The County has designated the Sonoma County Landmarks Commission to advise on the distribution of funds for preservation and restoration of historically significant buildings. Funding may be provided to this Commission to accept grant applications for the renovation, restoration and/or preservation of historical facilities.
3. The Board has designated a Historical Records Commission to review and make recommendations regarding the maintenance and destruction and retention of records, which may be of historical significance. Funding under this category may be provided for these activities.

E. Local Events, Organizations and Economic Development

The Board has established this category to assist small cultural, artistic, and countywide events and organizations as well as events occurring during the off peak tourism season (November 15 through April 15) with funding for advertising and economic development efforts that promote Sonoma County and encourage visitors to frequent the county throughout the entire year. Funding for these events and organizations will be at the discretion of each Supervisorial District. Events and organizations will make requests annually to the Supervisorial District in which their event/organization exists.

\$160,000 has been allocated for district discretion. 50% of this allocation will be divided equally across each district as baseline funding. The remaining 50% will be divided by the percent of TOT collections by district in the previous fiscal year.

F. Major County Events and Organizations

The Board of Supervisors desires to promote major events and cultural and artistic organizations which draw countywide, regional, state and national interest as evidenced by widespread media promotion and which can demonstrate a significant population of participants and visitors from outside the county.

1. A maximum of \$300,000 per year may be made available for major events and organizations within this category.
2. The following general guidelines apply to this category:
 - a. Must demonstrate overall attendance in excess of 15,000, with significant (20% or more) demonstrated attendance from out of the county.
 - b. Must demonstrate extent of out-of-county attendance and demonstrate link to overnight stays from attendees.
 - c. Must demonstrate advertising expenses exceeding \$25,000, of which the Advertising funds being requested must not exceed 50% of total advertising expenses for the event or organization.
 - d. Must demonstrate a major advertising campaign plan focused outside of the county.

- e. Must demonstrate the extent to which the event, season series, exhibit, or marketing effort will support the county's economic development in the form of local job promotion, local education contribution, and/or local business-chambers of commerce-visitors centers partnerships.
3. The maximum advertising fund contribution which can be applied for is \$50,000.
 4. The following will be requested as part of the application process for all events and organizations who apply for advertising funds under this category. This information is not required and failure to provide will not result in disqualification, however, the information will be used to determine grant awards and amounts based on demonstrated ability to most effectively promote tourism, agricultural, and/or economic development.
 - a. A complete Advertising Fund grant application (form provided by the County);
 - b. A completed post-program/event report containing results and benefits of prior year activities and events, if the entity received Advertising Funds in the previous fiscal year (form provided by the County);
 - c. Detail the advertising/promotional campaign for which advertising funds are being requested, including the type of advertising and region(s) of promotion;
 - d. Detail how these activities will promote attendance, including expected attendance, overnight stays, and visitor spending; and
 - e. Detail how the County of Sonoma organization will be promoted as an organization/event sponsor in advertising materials, available event/booth attendance, and other such activities. Information should also be provided on available sponsorship packages.

G. County Government Departmental Activities

The Board of Supervisors desires to provide Advertising funds for certain county departmental activities that benefit local tourism activities and the tourist industry, and which preserve and promote Sonoma County history. Advertising funds may be used for salaries of County employees when participating in activities funded by Advertising funds. Administrative costs (including collection, audit, program coordination, consultant, and legal services), should not exceed 10% of the estimated and/or budgeted TOT revenues.

Request for Advertising funds from departments will be reviewed annually on a case-by-case basis.

1. Miscellaneous Department Activities:

Funding may be provided to County departments to advertise specific activities which promote tourism and awareness of the County, including, but not limited to, the Sonoma County Library, the Sonoma County State Capital Exhibit, and similar endeavors; as well as provide for venue services where tourist and community activities take place.

2. Affordable Housing:

Funding may also be identified for an affordable housing program. Funding designated for affordable housing shall be recommended by the County Administrator's Office based on available funding and approved by the Board of Supervisors on an annual basis. As a goal,

funds will be recommended based upon 50% of revenues directed toward this fund that are generated from facilities established after 2002, pursuant to the March 2002 Board Policy Workshop, and after categories A-H have been funded at appropriate levels.

The Community Development Commission and the Permit and Resources Management Department shall make requests for these funds annually through the budget process for funding affordable housing programs and related efforts as well as for implementation of the Housing Element. Additionally, \$60,000 shall remain in the Affordable Housing Set Aside Fund within the Advertising Program to be available for emergency shelter needs that arise throughout the year that have not been addressed elsewhere.

Should additional funds set aside for affordable housing remain available following these requests and the Set Aside, the funds shall be allocated to the existing County Fund for Housing (CFH), administrated by the Community Development Commission.

3. Collections/Audit Services:

Revenue and tax collection services and program and grantee audit services are provided for this Program. Funding shall be recommended by the County Administrator's Office annually to fund these activities.

4. Legal Services:

Legal guidance, advice, interpretation and other related services are provided for this Program. Funding shall by recommended be the County Administrator's Office annually to fund these activities.

5. Program Administration Services:

Administration of this Program, including policy management and review, budget management and review, application review and recommendation, contract management, claims processing, and other related activities are provided by the County Administrator's Office. Funding shall by recommended be the County Administrator's Office annually to fund these activities.

H. Documentary Films

The Board of Supervisors desires to support Sonoma County based documentary films that document and promote or maintain a historical record of the region, culture, community and arts.

1. A maximum of \$30,000 per year may be made available for documentary film production, with an allocation not to exceed \$10,000 per film.
2. The following general guidelines apply in this category:
 - a. Must demonstrate historical, current social issues, cultural, regional or specific human experiences in Sonoma County that raise awareness and create an impact upon the viewing audience.
 - b. Must have real, factual situations and circumstances which leave audiences better informed.
 - c. Must provide detail of advertising/promotional campaign activities, including the type of advertising and region(s) of promotion.

- d. Must be able to demonstrate that the film will be exhibited publicly, including but not limited to broadcast and cable television, and Internet transmission.
- e. Applicant must provide a production timeline and the cost of the activity in relation to the amount of grant funds being applied for.

I. Seasonal and Off Peak Programs

The Board of Supervisors desires to promote seasonal programs, events and cultural and artistic organizations as well as events that occur during the off peak tourism season (November 15 through April 15) which draw countywide and regional interest and which can demonstrate participants and visitors from within and/or outside the county. The program will pay for the direct cost of advertising.

1. A maximum of \$50,000 per year may be made available under this category. Of that amount, \$30,000 will be designated for off peak programs and \$20,000 for seasonal programs.
2. The maximum advertising fund contribution which can be applied for is \$5,000.
3. The following general guidelines apply to this category:
 - a. Must detail overall attendance from in and/or outside of the county.
 - b. Must demonstrate local and/or out of county advertising campaign plan.
 - c. Must demonstrate the extent to which the event, seasonal program, exhibit or marketing effort will support the County's economic development in the form of local job promotion, local education contribution, and/or overnight stays from attendees.
 - d. Must provide a budget of total advertising expenses in relation to the amount of grant funds being applied for.

**Sonoma County Advertising Program
Category E
Request for Funding Application
FY 2014-15**

This application is used for Category E grant requests only.

Please review the Advertising & Promotions Policy prior to completing this application. The Policy details qualifications and requirements of applicants and specific categories under which funding can be requested.

Applications may be submitted via email to: Jennifer.Milligan@sonoma-county.org

Or via delivery to:

Attn: Jennifer Milligan
County Administrator's Office
575 Administration Drive, Suite 104-A
Santa Rosa, CA 95403

This application will be evaluated in terms of the Policy and individual category(s).

Policy Section II(3):

Advertising fund grant awards will be based upon an evaluation of all application materials, with a focus on the return on investment and benefit to be gained, including potential tourism and business revenue, from providing financial support to the event/organization. Events and organizations who demonstrate ability to receive and/or contribute match funding or grants as the result of receipt of Advertising funds will be given priority consideration in the application review process and in consideration of amount of grant award.

Applicant Organization: **The Sonoma County Human Rights Commission
And the Graton Labor Center (DREAMers Documentary Film and
Social Media Project)**

Contact Person: **Christopher A. Kerosky
(Commissioner on Human Rights Commission)**

Email Address: christopher.kerosky@gmail.com

Address: **131A Stony Circle, Suite 475,**

City, State, Zip: **Santa Rosa, Ca. 95401**

Phone Number: **707-433-2060**

Web Site Address: www.NorthBayDreamers.org

Current IRS Non-Profit Status: Yes ___ x ___ (Graton Labor Center –the Fiscal Agent)

EVENT/PROJECT/ORGANIZATION INFORMATION

Please complete the remaining portions for *each* event/project/organization for which the Applicant Organization is requesting funding.

Event/Project/Organization for which funds are requested:

DREAMers Documentary Film and Social Media Project

Please list the Supervisorial District(s) to which funds are being requested under Category E: 5th District, but they are to be used throughout all Districts

Amount of Funds Requested: \$5000

Briefly describe the event/project/organization for which funds are being requested:

We are a non-profit community group created for the purpose of honoring and celebrating the diversity of Sonoma County. One of our goals is to promote the County through telling the story of our County's young immigrants and in particular, the youth of the Latino Community. Many of these youth are very involved in the hospitality and travel industries of Sonoma County. We are doing this through a PBS documentary produced by the local PBS station, KRCB, and the non-profit film-production company, The Working Group.

If the request is being made for a specific event/project, please briefly describe the operating organization responsible for the event/project. If the organization has a managing board, please describe the make-up of the board and provide your board bylaws.

The fiscal agent for purposes of this grant application is the Graton Labor Center, which is a 501c3 organization, based in Sonoma County, providing a wide range of help and assistance to the Community. The Sonoma County Human Rights Commission has sponsored this project, and we also have the support and participation of KRCB, the Hispanic Chamber of Commerce, the Latino Service Providers of Sonoma County, as well as many other community groups.

Briefly describe how the Advertising funds would be used, if awarded:

We are producing a documentary film, to tell the story of the young people of Sonoma County. This includes thousands of youth in the County who are working in the hospitality and related industries in the County. Specifically this film will focus on young immigrants known as the DREAMers.

KRCB, the Santa-Rosa based public television station will broadcast the film. We have met with Nancy Dobbs, President and CEO of KRCB, and she has offered her whole-hearted support of the project. Ms. Dobbs has committed to broadcasting the film, and believes that they can also obtain the willingness of various other public television stations in California to broadcast the film.

The film will be produced by the Working Group, a 501c3 non-profit film production group with a 25 year history of producing progressive films about civil rights and community topics, including *Not in Our Town* and *We Do the Work*. Rhian Miller, a founder of The Working Group, is spearheading the effort. The Working Group would provide its services at much-reduced rates and collaborate with school film departments and production facilities that will donate their time and facilities or provide such at much lower than market rates.

Once the film was produced, it will be shown on KRCB, other PBS stations in and outside of California, various public forum television, at film festivals and commercial theaters in California and elsewhere.

When will the event/project/program occur, and when would Advertising funds be used, if awarded:
July – December 2014

What is the target market for the advertising/promotional efforts and how will this target market be reached (please include details as to any advertising that will take place outside of the County and to encourage attendance from outside the County):

This documentary film will be broadcast on KRCB and public television stations throughout California and most likely, the United States.

The Board of Supervisors wishes to encourage tourism, agriculture, and economic development in the County by supporting promotional, community, and cultural activities through the use of Advertising funds. Please describe how the event/organization will support tourism, agriculture, community spirit, culture, and/or economic development.

We wish to promote the County through telling the story of our County's young immigrants and in particular, the youth of the Latino Community. Many of these youth are very involved in the hospitality and travel industries of Sonoma County. We are doing this through a PBS documentary produced by the local PBS station, KRCB, and the non-profit film-production company, The Working Group.

As we have commitments to broadcast this film on the Bay Area PBS station KRCB and tentative plans to broadcast the film throughout PBS stations in California and elsewhere in the United States, we feel this will have a very positive benefit on the image of the County and specifically benefit tourism and economic development.

What benefit is expected from the use of Advertising funds, if awarded (please detail expected increased tourism, overnight stays, economic impact, etc.), and how will this be measured:

Through the promotion and celebration of our County's diversity and youth, we feel this will have a very positive benefit on the image of the County and specifically benefit tourism and economic development. The effect will be enhanced by the promotion of our website and Facebook page on a continuing basis.

How will the County of Sonoma, as a sponsor of the event/project/organization, be recognized in promotional materials and at the event/project/organization? (Recipients of Category E grant awards are required to identify "County of Sonoma – Board of Supervisors" as a sponsor on ALL materials produced with Advertising grant funds):

We shall identify "County of Sonoma – Board of Supervisors" as a sponsor on ALL materials produced including a prominent spot on the Documentary Film, the website and the Facebook page.

Please provide or attach any information on donor sponsorship packages, if any, which will be utilized for this event/project/organization:

Donor Sponsorship will be also sought through the Community Foundation for Sonoma County. We have also applied for a CalHumanities grant and we are seeking private financing through the Community Foundation of Sonoma County, among others.

If Advertising Program funds are awarded, will the amount be matched (either full or partial) and by what organization:

We are in the process of setting up a matching grant program through the Community Foundation for Sonoma County.

HISTORY OF EVENT/PROJECT/ORGANIZATON:

How long has this event/project/organization been in operation?

The Graton Labor Center has been in operation for 13 years. This specific project was initiated in November 2013 in conjunction with the Human Rights Commission of Sonoma County.

What is the overall attendance (past and future anticipated) of the event/project/organization:

Not applicable.

Have Advertising Funds been received for this purpose in the past? If so, how much and when?

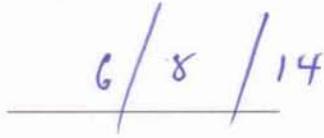
No

SUBMISSION

The undersigned, declares that he/she has carefully examined the Sonoma County Advertising & Promotions Policy and agrees, and, if Advertising funds are awarded, that proposer will contract with the County to furnish the services as specified, in accordance with this grant application attached.



Signature of Applicant



Date

**AMENDMENT TO AGREEMENT
BETWEEN THE COUNTY OF SONOMA AND RUSSIAN RIVER
CHAMBER OF COMMERCE**

This Amendment is entered into by and between the County of Sonoma, a political subdivision of the State of California (hereinafter, "County") and the Russian River Chamber of Commerce (hereinafter, "Advertiser").

RECITALS

WHEREAS, on June 25, 2013, the County and Advertiser entered into an Agreement for Advertiser to conduct positive messaging campaign for tourism during summer and fall; and

WHEREAS, County and Advertiser have been mutually satisfied with the Agreement; and wish to amend it to extend its term.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows.

AGREEMENT

As of the date of this Amendment, the Agreement shall be deemed to be amended in the following manner:

1. Article 1 of the Agreement is hereby deleted and replaced in its entirety with the following:

1. During the July 1, 2013 to June 30, 2015, COUNTY shall pay to ADVERTISER up to the total sum of \$12,500.00 (hereinafter "Advertising Funds"), payable upon presentation of a claim on a County of Sonoma "Claim Form," accompanied by an invoice detailing the expenses and costs incurred by ADVERTISER for which payment is sought, provided that the Claim Form and invoice are submitted on or before January 2, 2016, and provided further that ADVERTISER is in full compliance with each of the provisions of this Agreement.

2. Article 2 of the Agreement is hereby deleted and replaced in its entirety with the following:

2. In consideration whereof, ADVERTISER promises and agrees to render the following services to COUNTY during July 1, 2013 to June 30, 2015, as set forth in the attached Board agenda item, attached hereto as Exhibit A. In the case of more than one event, Advertiser will not transfer funds between events without prior approval from the County's program coordinator.

3. All other provisions of the Agreement are unchanged, and shall remain in full force and effect throughout the remaining balance of the term of the Agreement.

4. Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement, together with exhibits, shall continue to be in full force and effect as originally executed, and nothing contained herein shall be construed to modify, invalidate, or otherwise affect any provision of the Agreement or any right of County arising thereunder.

5. The Recitals are incorporated into and form a part of this Second Amendment.

COUNTY AND ADVERTISER HAVE CAREFULLY READ AND REVIEWED THIS SECOND AMENDMENT AND EACH TERM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS SECOND AMENDMENT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

Russian River Chamber of Commerce

COUNTY OF SONOMA

By: _____
Signature

By: _____
County Administrator, authorized by the
Chair, Board of Supervisors

Print Name

Title

Date: _____

Date: _____



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: September 16, 2014

Vote Requirement: Majority

Department or Agency Name(s): Permit and Resource Management Department

Staff Name and Phone Number:

Melinda Grosch 707-565-2397

Supervisorial District(s):

First

Title: Appeal of the Board of Zoning Adjustments' approval of a Use Permit and Design Review for Belden Barns Winery and Cheese Creamery; Appellants: Parker, Rodney, LaGoy; PRMD File No. PLP12-0016.

Recommended Actions:

Conduct a public hearing and approve a resolution denying the appeal, adopting the Mitigated Negative Declaration, and upholding the Board of Zoning Adjustments approval of a Use Permit and Design Review for the Belden Barns Winery. The project is located at 5561 Sonoma Mountain Road, Santa Rosa; APN: 049-030-010.

Executive Summary:

Project Description:

The project consists of a request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting, and ten Agricultural Promotional events per year. The 55-acre parcel is located approximately 1.5 miles east of the intersection of Pressley Road and Sonoma Mountain Road. The parcel is currently developed with an old farmstead that includes three dwellings (one legal conforming dwelling and two Legal Non-Conforming dwellings that were constructed in the late 1800's early 1900's), a barn, and several other out buildings. The parcel is planted with 20 acres of grapes and an area of approximately three acres for vegetables is currently under development. Areas for pasture, orchard, and additional grape planting have been studied. No cows or goats are currently on-site as their purchase is pending the approval of this permit. The property is under a Land Conservation (Williamson) Act contract.

The proposed project is to be phased as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added to the main part of the barn for the

creamery and 530 square feet will be added to the milking shed portion of the barn.

2. The existing 1,178 square foot Primary Residence will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant prior to issuance of the building permit for the new Primary Residence. The existing Legal Non-Conforming 2,490 square foot residence will be demolished and a new 4,270 square foot residence is to be constructed for the owner. This residence will also include tasting/hospitality, commercial kitchen, and farmstead administrative space on the ground floor.
3. Prior to issuance of the building permit for the new Primary Residence the 1,780 square foot garage with second story residence will be demolished.

Employees: Four full-time and two part-time during the non-harvest season increasing to six full-time during harvesting and bottling, not including agricultural workers.

Agricultural promotional events are proposed to commence with Phase 1 of the project as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200
10	Total Events per Year		

Phase II: (Start Time: 3 to 4 years from approval)

1. Construct the new 8,300 square foot winery building adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit and covenant must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn for the creamery.

Employees: Will be increased to five full-time and four part-time during the non-harvest season

increasing to seven full-time during harvesting and bottling, not including agricultural workers.

Hours of Operation (for both Phases):

Hours of operation for winery processing/administrative functions are seven days a week, 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest. Processing may exceed these hours as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

Project Location, General Plan and Zoning:

The subject property is located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010. The base zoning district is LIA (Land Intensive Agriculture). The Combining Zone district for the property is SR (Scenic Resources). Zoning and General Plan consistency are discussed in the Board of Zoning Adjustments December 19, 2013 Staff Report. The property is under a Land Conservation (Williamson) Act Contract.

Application History:

In December 2013, the Board of Zoning Adjustments heard the request for a new agricultural processing facility. After substantial testimony from opponents of the project, the Board of Zoning Adjustments continued the item to a date and time uncertain in order for staff to provide additional information on: 1) traffic generation, safety and roadway conditions; 2) special Bennett Valley Area Plan policies; 3) potential impacts to raptors; 4) groundwater impacts; 5) clarification on how the phasing will be implemented and vested; and 6) comments relative to the Mitigated Negative Declaration.

On March 13, 2014, the Board of Zoning Adjustments heard the request for the second time and found that the issues raised had been adequately addressed, adopted the Mitigated Negative Declaration, and approved the project based on the findings and subject to the conditions contained in Exhibit A.

On March 24, 2014 Don & Donna Parker, Amy Rodney, and Byron LaGoy (the Appellants) filed a timely appeal to the Board of Supervisors.

Issues Raised With the Appeal:

With their appeal the Appellants submitted correspondence raising the following issues discussed at the Board of Zoning Adjustments hearings:

Road Safety: Multiple people commented on potential safety issues related to the rural road system in the area. Primary concerns focus on the narrow width, inadequate site distances on many road curves in the vicinity, use by bicyclists and pedestrians, and potential inebriated drivers.

Analysis: The applicant's traffic consultant reviewed accident data for the area where the winery is proposed. Overall, the accident rate is lower than for similar roadways throughout the state. The consultant recommends that brush adjacent to Sonoma Mountain Road and east of the site must be kept trimmed to maintain adequate site distance. Improvements that will be required at the driveway into the property (driveway width, curve radii, vegetation removal, etc.) will help to ensure that those turning into or out of the property do not cause a hazard on Sonoma Mountain Road.

As specified in Condition of Approval No. 98 below, winery staff will be required to receive training in how to manage alcohol consumption to minimize customers becoming inebriated. This is a standard condition of approval required for all winery tasting rooms.

98. 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.

The Sonoma County Bicycle and Pedestrian Plan adopted by the Board of Supervisors, August 24, 2010 indicates that Sonoma Mountain Road is a Class III roadway meaning that bicycles will share the travel lane with automobiles and pedestrians will use the roadside shoulders. No improvements for bicycles or pedestrians are included in the Plan. As indicated above, conditions of approval requiring safety improvements at the project driveway and regular trimming of brush along the roadway will improve site distance at the driveway which will provide safer road conditions for all users of the road.

Road Condition and Wear and Tear: Many of the comments received from neighbors discuss the condition of Sonoma Mountain Road and the lack of maintenance and repairs. These comments focus on the further road deterioration that would be caused by the additional traffic that the project will generate.

Analysis: The transportation consultant notes that the project will likely result in a reduction of heavy truck traffic as grapes will no longer need to be hauled off-site for processing. The fact that the grapes grown on-site will now be processed on-site rather than shipped to an off-site winery will result in a decrease in truck traffic. For the proposed 10,000 cases of wine and the current yield of grapes, about 100,000 pounds of grapes will need to be imported and will require about 50 one-way truck trips to haul them to the site. The current on-site grape yield averages 200,000 pounds of grapes which would require approximately 100 one-way truck trips to haul to an off-site winery for processing. Therefore, the on-site winery will reduce the number of truck trips associated with processing from 100 to 50 because the grapes grown on-site will also be processed on-site. Even with the additional trips needed to import some milk for the creamery the number of trips will be significantly reduced from the current number.

Light vehicles such as passenger vehicles and pickups do not significantly contribute to wear and tear on roads. While this type of traffic will increase, it should not worsen the existing condition of Sonoma Mountain Road.

The applicant will be required to pay traffic mitigation fees that are based on the size of the building and the intensity of the use. These fees are intended to off-set cumulative traffic impacts countywide.

Traffic Generation Relative to Total Traffic on Sonoma Mountain Road: The appellants state that traffic generated by this project is excessive and will overwhelm the existing narrow rural road system, and will exacerbate existing problems in combination with traffic generated by the Zen Center and the planned opening of the park (currently in transition from the Sonoma County Agricultural Preservation and Open Space District to Regional Parks and referred to as Sonoma Mountain North Slope) to the west of the project site (between Pressley and the entrance to the project site).

Analysis: The applicant's traffic consultant, W-Trans, was the consultant for the park and the Zen Center as well as this project. Traffic generated by the Zen Center project was analyzed as a part of the traffic study for the proposed project. The traffic study for the Zen Center looks at all the roadway curves and makes some recommendations for additional signage on curves that have inadequate site distances. That study also notes that even with the additional trips the average daily traffic is low enough to result in the road being classified as a very low volume roadway.

Inadequacy of the Traffic Report: The appellants state that the traffic study is too narrowly focused on the area immediately around the Belden Barns driveway, it used an unrealistic speed limit, and wrongly classified Sonoma Mountain Road as a Rural Minor Collector when it should be a rural byway.

Analysis: The applicant's traffic consultant (W-Trans) provided additional comments on July 9, 2014. The memo specifically addresses speed limits, roadway classification, the focus area of the traffic study, and expected truck traffic. The memo is attached as "Exhibit G." The consultant states that the speed limit is not 20 miles per hour but that is posted as an advisory speed limit in certain strategic areas. This is confirmed by Public Works who stated in a July 10, 2014 e-mail:

"If a road does not have a posted speed limit it is governed/enforced under the Basic Speed law and maximum speed law, which is 55 MPH for County roads. The advisory speeds are just that, advisory; however, they are used by the CHP to enforce the Basic Speed law component, which requires drivers to operate vehicles in a manner safe for the conditions."

The traffic study is a "focused traffic study" because the small number of peak hour trips do not warrant a more extensive study. However, the vehicle trips generated by the project are distributed over the nearby roadway system serving the site and no significant impacts were noted.

Appropriateness of the Proposed Facility for the Location: The appellants have stated that they feel the proposed facility is too commercial, too large, and generally does not fit in with the rural nature of the area.

Analysis: A farmstead selling a wide range of products grown and processed on-site is not unusual for a rural area. The production numbers for both wine - 10,000 cases/ year - and cheese - 10,000 pounds/year - are relatively small compared to Sonoma County Industry norms. 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. The average number of events at wineries in Sonoma County is 20 and the average number of attendees is 326 people. So by comparison this is a relatively small facility.

The 20 acres of grapes planted on the site will produce roughly 80% of the wine processed on-site depending on the yield in any given year. In Sonoma County there is no criteria requiring all grapes processed in the winery to be grown on-site. A winery may import all, only a portion, or none of the grapes used in processing as long as at least some of the grapes are grown in Sonoma County.

Milk will likely need to be imported as the area available for pasture on-site is not large enough to accommodate the 10 cows, 50 sheep, or 100 goats necessary to produce the amount of milk needed to produce 10,000 pounds of cheese. The applicant intends to pasture as many animals as practical on-site. Importing all 12,000 gallons of milk required for the cheese would require approximately three of the 4,000 gallon milk tanker trucks and trips for cheese tasting are assumed to be part of the overall number of trips for wine tasting.

The site plan includes a couple of acres near the winery/farm complex for a small vegetable garden and orchard area. Chickens will also be raised in this general area. Produce and eggs will be made available for sale and used in the winemaker dinners. While this is a more minor aspect of the proposal it is important to the owners/applicants in providing a diverse farmstead and sourcing from the site as much as possible.

Inadequacy of the Mitigated Negative Declaration: A neighbor opposing the project, Bill McNearney, raised several questions about the Mitigated Negative Declaration and the Staff Report. Mr. McNearney's comments focus on the current condition of the roads and lack of mitigation measures to resolve the impacts of increased traffic on the road system. (See Exhibit B)

Mr. McNearney's questions the assumption that events generate an average of 2.5 persons per vehicle. For many years the accepted average vehicle occupancy has been 2.5 persons per vehicle for Sonoma County events. It has been field verified by W-Trans at various winery events throughout the County over a number of years, and is a standard also used by other traffic engineers.

Mr. McNearney states that the volume of traffic on other roads connecting to Sonoma Mountain Road will be heavily impacted by traffic generated by Belden Barns.

Analysis: Trips at the entrance to the site represent the maximum number of trips for the project. The average daily trip generation is 61 trips. These will then be dispersed onto the other roadways as people come or go in different directions. Trips generated by those travelling to and from the winery wouldn't all travel on Enterprise, Pressley, and Sonoma Mountain Roads simultaneously. Volumes are low relative to the roadway capacity even if all trips go in one direction.

Mr. McNearney states that the traffic data is out of date.

Analysis: Traffic counts were made by the traffic consultant, W-Trans, on Sonoma Mountain Road at the project site so they were not relying entirely on the traffic data that is kept by Public Works. Counts for other roads in the vicinity were not recounted because volumes are so low.

The consultant also used the Public Works capacity rating for the roadway system. That classification states that roads such as Sonoma Mountain Road should be able to handle 5,000 vehicles per day. W-

Trans completed actual traffic counts on Sonoma Mountain Road in front of the project of 360 average daily trips (ADT). W-Trans was the traffic consultant for the park project and made a count for that project at a location west of the site on Sonoma Mountain Road of 822 ADT. The addition of the predicted trips for both projects – 81 for the park and 61 for Belden Barns – would not exceed the capacity of the roadway. Trips from the Zen Center are already included in traffic counts as the uses that have been applied for under the current application have been ongoing for many years and the Zen Center project does not propose an increase in the number of traffic trips.

Mr. McNearney states that the consultant and staff have ignored the current condition of Sonoma Mountain Road's paving and its many other physical shortcomings (e.g. sharp curves, steep hills, narrow lanes, lack of shoulders, etc.) in their assessment of safety. Mr. McNearney requests that the Sonoma County Department of Transportation and Public Works (TPW) review the proposal.

Analysis: TPW reviewed the project and recommended conditions #54 through #59. These conditions require signage during agricultural promotional events, driveway width and paving, encroachment permits, traffic mitigation fees, and sight distance.

Mr. McNearney discusses the lack of funding for road maintenance.

Analysis: Road maintenance is a problem countywide. To date the Board has not placed a moratorium on new development related to lack of road maintenance. New projects, including the subject project, are required to mitigate road impacts associated with the project. As discussed above this project is conditioned to make improvements at the project driveway. At the time of building permit issuance new development pays a traffic mitigation fee for capacity improvements. The Board of Zoning Adjustments did not establish any additional conditions related to roadways for this project.

Mr. McNearney disputes the accident information reported by the California Highway Patrol.

Analysis: While this data likely does not include all the accidents on any stretch of road it is the only source of documented accidents. W-Trans provided the following information:

"... there may be unreported collisions, either with other vehicles, fixed objects, or animals, unless those crashes are reported there is no way that we can include them in our analysis. Further, since the rates we compare them to are also only based on reported collisions, it results in a reliable way of determining if the road is generally operating safely or not. In this instance the collision rate was below the statewide average, so crashes are occurring at a rate that is relatively typical. Again, the poor condition of the roadway does not mean that there is a safety problem, and in fact results in lower speeds and therefore a reduced number of crashes."

Mr. McNearney states that bicyclists were not adequately addressed as the Mitigated Negative Declaration only discusses safety around the entrance to the proposed winery and cheese making facility.

Analysis: The project was sent to the Bicycle and Pedestrian Advisory Committee for comments and conditions. No comments or conditions were received. Based on the Class III classification of Sonoma

Mountain Road in the Bicycle Plan, no significant changes are planned for this road to further accommodate bicycles. The road is used by bicyclists because it is a scenic rural road and does connect to the San Francisco Ridge Trail and proposed trails on Open Space properties.

Mr. McNearney states that Section 8 of the Mitigated Negative Declaration is incomplete as it does not discuss hazards to bicycles and pedestrians.

Analysis: Section 8 of the Mitigated Negative Declaration discusses hazardous materials and impacts to and from airports which may be in the area of a project. This project does not involve hazardous materials and there are no airports in the vicinity. Section 16(f) discusses bicycles and pedestrians. Although Sonoma Mountain Road is used by bicyclists and pedestrians it is not a major bicycle and pedestrian facility and no bicycle or pedestrian improvements are planned at this time. Many County roadways serving wineries offering events also serve bicyclists and pedestrians. Motorists are required to share the road with bicyclists and pedestrians and no significant impacts to bicyclists and pedestrians have been determined as a result of this project.

Mr. McNearney makes the following statements about Sonoma Mountain Road in his letter:

- a. He states that the County plans to allow Sonoma Mountain Road to deteriorate until it goes back to being a gravel road.
- b. He asserts that numerous petitions asking the Board to fix Sonoma Mountain Road have brought no results.
- c. He argues that there is no planned widening or repaving of Sonoma Mountain Road, no plans for a Class 1 bicycle and pedestrian facility (i.e., separated from vehicle lanes); inebriated drivers increase road hazards; and wildlife cross the road creating additional hazards.
- d. Staff's acceptance of the traffic report may expose the County to "serious legal liability."

Analysis: These same comments were reviewed by the Board of Zoning Adjustments and they were discussed at the hearing.

Non-Compliance with the Bennett Valley Area Plan: The Bennett Valley Area Plan does include a Bennett Valley Scenic Corridor which is substantially different than the Scenic Corridor designation that is applied throughout the County. The appellant states that no construction may occur within the Visual Corridor unless it makes the parcel unbuildable. Further, the appellant contends that if the owner of a parcel constrained by the Visual Corridor has any existing development no additional development need be allowed.

Analysis: The appellants' representation of the use and interpretation of the Bennett Valley Visual Corridor is based on a previous interpretation of the Area Plan by the Bennett Valley Design Review Committee. The Area Plan indicates that site development can occur on a site if located outside of the Visual Corridor or within the Visual Corridor if the strict application of the prohibition on development within the Visual Corridor makes the parcel unbuildable.

The subject property has both a Scenic Corridor designation (Sonoma Mountain Road is a Scenic Corridor) and is within the Bennett Valley Scenic Corridor. The site has an existing historic farm complex located within the Bennett Valley Scenic Corridor (but outside the standard Scenic Corridor established by the General Plan – see the site plan attached as Exhibit H). The farm complex is sited at the base of a small hill which sits at the base of a more elevated area forming a shoulder of Sonoma Mountain.

On-site review of the proposed location versus the area outside the Visual Corridor was conducted with the applicant's engineer and Design Review Committee staff. The Bennett Valley Visual Corridor was established to minimize visual impacts to public views and private views and is intended to be used as a tool to help accomplish this goal. It is also helpful to remember that the area plan visual corridor was established through a "windshield survey" not through actual on the ground plotting. Consistent with requirements of the SR (Scenic Resources) zoning designation, staff also completes an on-site visual analysis of existing and proposed development. When reviewing this site staff determined that visual impacts would be greater if development was placed outside of the existing historic farm complex, which lies within the designated visual corridor. Areas outside of the visual corridor are primarily at a higher elevation and would create more of a negative visual impact than integrating new structures within the existing farm complex.

The Bennett Valley Area Plan includes the following interpretive language for use with the plan.

STANDARDS - APPLICATION

Review of any proposed development should consider each of the standards described below. Each standard should be applied to the maximum extent feasible, recognizing that in some cases these standards when applied to a particular project may be contradictory. General Plan policies shall apply where the development guidelines conflict with the General Plan. The Design Review Committee should consider the total impact of the project in determining the extent to which each standard should be applied.

Strict adherence to the setback established by the Bennett Valley Visual Corridor in this area would result in the winery building being visible from both Sonoma Mountain Road and adjoining properties. Staff determined that the placement of a large winery structure on a ridge conflicts with the intent of both the General Plan's designation of the area as a Scenic Landscape Unit and the Bennett Valley Area Plan's premium on protecting both public and private views. The building is placed well outside of the standard 200 foot setback established by Sonoma Mountain Road's designation as a Scenic Corridor in the General Plan. The Bennett Valley Scenic Corridor is over 1,000 feet deep on this and the adjoining property to the west but is roughly half that distance for most of the other parcels along Sonoma Mountain Road in this area. After deliberation the Design Review Committee recommended that the new winery building be placed with the other buildings in the existing farm complex to minimize the visual impacts of the additional development.

Additionally, a portion of the area outside the Visual Corridor has been identified as an area of active landslide potential. The previous property owner discovered this when they were attempting to replace the single family dwelling with a new dwelling. Their geologist declared the area to be unsuitable for development due to the landslide. Ultimately they received permission in April 2003 to construct a dwelling in the area of the existing farm complex but the dwelling was never constructed.

Despite the proposed new development being located in the Visual Corridor staff and the Board of Zoning Adjustments recommended new development be constructed within the existing farm complex as a means of minimizing visual impacts associated with the project.

Water Availability: The appellants state that wells in the area are running dry and that neighbors have had to have water trucked in.

Analysis: This argument cannot be verified at this time as no well records were submitted for the parcels where this problem has occurred. This can be difficult to determine since well information is proprietary and is thus not available without owner consent.

A groundwater study was prepared by E.H. Boudreau, Registered Geologist #3000 in August 2013. The study concluded that the project would not result in a negative impact to the groundwater basin. The study was based on an evaluation of the groundwater basin, average annual rainfall, and estimated recharge. PRMD staff reviewed and accepted this study.

Increased Impervious Surfaces: The appellants state that the project will result in excessive additional impervious surfaces which decrease groundwater recharge.

Analysis: The applicant's geologist, E.H. Boudreau, reviewed the water balance and recharge potential with the project as proposed and determined that there is no significant impact to the property's recharge capacity. Additionally, current practices for drainage and erosion control keep runoff from leaving the property through drainage swales and other methods of slowing and impounding water to allow it to percolate into the ground. These "best practice" methods will be required as part of the grading and construction for this project.

Air Quality: The appellants state that the winery will generate many new car trips which will contribute to greenhouse gas emissions.

Analysis: The project will result in a reduction in heavy truck traffic from the current situation since bulk grapes will not be shipped off-site for processing. The passenger traffic is not enough to trigger the need for air quality analysis under the current standards (2,000 vehicle trips per day) established by the Air Quality Management District. Additionally, most winery visits are not generated solely by a single winery but are trips that are on the road to visit multiple wineries in one day.

Staff Recommendation:

Staff recommends that the Board hold a public hearing to consider the appeal and at the conclusion of the hearing deny the appeal and uphold the Board of Zoning Adjustments approval of the requested Use Permit.

Prior Board Actions:

None

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Use Permit process provides the opportunity for a winery to process grapes grown on the site and reduce the tonnage of grapes that are currently hauled off site for processing. In addition, the Use

Permit allows processing of milk into cheese and promotion of the wine, cheese and farm products (eggs, vegetables, etc.) produced on-site through tasting facilities and agricultural promotional events. These direct marketing and educational tools help increase sales directly to consumers, increase their wine club membership, and provide label recognition for the winery and cheese in a competitive market. According to this year's 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 - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

None. The costs of the permit process are 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):

N/A

Attachments:

- Draft Resolution Denying the Appeal
- Exhibit A: Conditions of Approval
- Exhibit B: Appeal Form and Letters from Boulton, Parker, and McNearney
- Exhibit C: Board of Zoning Adjustments Resolution No. 14-005
- Exhibit D: Board of Zoning Adjustments Actions dated March 13, 2014
- Exhibit E: Board of Zoning Adjustments Actions dated December 19, 2013
- Exhibit F: Board of Zoning Adjustments Staff Report dated March 13, 2014

Attachment D to March 13, 2014 Board of Zoning Adjustments Packet:
Board of Zoning Adjustments Staff Report dated December 19, 2013
Mitigated Negative Declaration

Exhibit G: Traffic Studies and Reviews

Exhibit H: Site Plan

Exhibit I: Letter from Nathan Belden to Supervisor Gorin dated June 6, 2014

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



County of Sonoma
State of California

Date: September 16, 2014

Item Number: _____

Resolution Number: _____

Melinda Grosch PLP12-0016



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 For A Use Permit For A New Phased Agricultural
Processing Facility With A Maximum Annual Production Of 10,000 Cases Of Wine And 10,000
Pounds Of Cheese, Retail Sales And Tasting, And Ten Agricultural Promotional Events Per Year
On A 55-Acre Parcel Located At 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010;
Supervisory District 1.**

Whereas, the applicant, Nathan Belden, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and ten Agricultural Promotional events per year, located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoned LIA (Land Intensive Agriculture) B6-40 acre density/40 minimum parcel size; Supervisorial District No 1; and

Whereas, on December 19, 2013 Board of Zoning Adjustments conducted a public hearing and heard and received all relevant oral and written testimony and evidence presented or filed regarding the project. All interested persons were given an opportunity to be heard and continued the hearing to a date and time uncertain; and

Whereas, on March 13, 2014 in accordance with the provisions of law, the Board of Zoning Adjustments conducted a continued public hearing and received all relevant oral and written testimony and evidence presented or filed regarding the project. All interested persons were given an opportunity to be heard. At the conclusion of the public hearing, the Board of Zoning Adjustments closed the public hearing, discussed the project, and on a 5 – 0 vote adopted the Mitigated Negative Declaration and approved the project; and

Whereas, on March 24, 2014 the appellants, Don and Donna Parker, Amy Rodney, and Byron LaGoy filed a timely appeal of the Board of Zoning Adjustments' approval of the project; and

Whereas, the Board conducted a duly noticed public hearing on the Appeal on September 9, 2014. At the Board hearing, the Board heard and received all relevant testimony and evidence presented orally or in writing regarding the Appeal. 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 Appeal, and denied the Appeal, found the Mitigated Negative Declaration had been prepared according to State and local CEQA Guidelines and approved the Project, subject to the conditions of approval imposed herein.

Whereas, the Board of Supervisors makes the following findings:

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1 intended to facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. 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 Land Intensive Agriculture designation. The project is consistent with 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. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.
2. The proposed project is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows processing of agricultural products of a type grown or produced in the immediate area, if a Use Permit is obtained. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.
3. 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, because mitigation measures have been incorporated into the project as Conditions of Approval. These

mitigation measures 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.

4. 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:

a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and ten agricultural promotional events per year with a maximum of 200 persons at two of the events, 100 people at three events, and 60 at the remaining five events.

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

b. The proposed project is located in a SR (Scenic Resource) Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The Bennett Valley Plan also includes language which allows for an assessment of whether the strict adherence of the policies would result in a conflict with the General Plan or the intent of the Bennett Valley Plan. This language is found under the heading "Standards – Application" and reads as follows:

Review of any proposed development should consider each of the standards described below. Each standard should be applied to the maximum extent feasible, recognizing that in some cases these standards when applied to a particular project may be contradictory. General Plan policies shall apply where the development guidelines conflict with the General Plan. The Design Review Committee should consider the total impact of the project in determining the extent to which each standard should be applied.

The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (the DRC) reviewed the proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies. Strict adherence to the setback established by the Bennett Valley Visual Corridor in this area would result in the winery building being visible from both Sonoma Mountain Road and adjoining properties. Staff determined that the placement of a large winery structure on a ridge conflicts with the intent of both the General Plan's designation of the area as a Scenic Landscape Unit and the Bennett Valley Area Plan's premium on protecting both public and private views. Additionally, the conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the DRC as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acre site. In addition, agricultural promotional events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building. No permanent structure

dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.

d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.

e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project.

f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.

g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community; will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means; will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor, or impede the use of native wildlife nursery sites because the project site does not contain any unique habitat, or unique plant or animal populations; and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small less than nine inch coastal live oak will be removed. No other trees will be

impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback prohibiting disturbance or development along the drainage. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the existing barn.

h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.

i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.

j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.

k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disked into the vineyard soil as a soil

conditioner and supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.

l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.

m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

Now, Therefore, Be It Resolved that based on the foregoing findings and determinations and the 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 Appeal is denied.
3. The Use Permit is subject to the Conditions of Approval, including a Mitigation Monitoring Program as shown in Exhibit "A," attached hereto, and incorporated herein by reference.
4. The Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval are adopted. The Board of Supervisors certifies that the 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 Negative Declaration reflects the independent judgment of the Board.

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.

Resolution #
Date: September 16, 2014
Page 8

Supervisors:

Gorin:	Zane:	McGuire:	Carrillo:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.

Conditions of Approval

Date: September 16, 2014 **File No.:** PLP12-0016
Applicant: Nathan Belden **APN:** 049-030-010
Address: 5561 Sonoma Mountain Road, Santa Rosa

Project Description: a Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, including retail sales and tasting of wine and cheese and other farmstead products by appointment only, and 10 Agricultural Promotional events on a 55 +/- acre parcel.

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 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:

The conditions below have been satisfied BY _____ DATE _____

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 construction company shall post a sign that includes the 24-hour a day/7-day a week 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.
5. Mitigation 6.a.ii.1.
All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the 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 construction activities shall meet the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). Construction plans shall be subject to review and approval of PRMD prior to the issuance of a building permit. All work shall be subject to inspection by PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Mitigation Monitoring:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirements.

6. Mitigation 6.a.ii.2.

The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by PRMD. The geotechnical engineer shall certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring:

PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

7. Mitigation 12.a.iii:

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 it shall be subject to approval by PRMD. 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) If required, 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. The nearest off-site dwelling is more than 600 feet away thus locating noise generating equipment in areas shielded by on-site buildings will provide adequate noise protection.

Mitigation Monitoring:

PRMD staff shall ensure that the measures are listed on all site alteration, 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)

HEALTH:

The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

8. Prior to building permit issuance and vesting the Use Permit, 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 2007 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.

9. 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 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. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
10. Prior to the issuance of building permits and vesting the Use Permit, 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 Department of Public Health, Office of Drinking Water if 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 Department of Public Health 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 may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
11. 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.
12. Prior to building permit issuance for Phase I and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of five gallons per minute.
13. Prior to the issuance of any building permit and vesting the Use 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:

14. 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.

The project description includes Agricultural Promotional event 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 25% percent of the wastewater flow from an outdoor event with 100 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system. Note that indoor events such as dinners are expected to provide septic system capacity for 100% of the event, as these guests are not expected to exit the building to use portable toilets.

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.

15. 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.
16. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system to be retained. The septic system shall be evaluated for the ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel that will be plumbed to an existing septic system.

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.

17. 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:

18. Prior to the issuance of building permits, vesting the subject Use Permit, 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 Environmental Health Division of the Health Services Department.

If the project will operate under a Wine Tasting Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 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).

Contact the Environmental Health Division at 565-6547 for information and instruction sheet. An e-mail of the approval from the Environmental Health Division 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).

Solid Waste:

19. 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. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

Vector Control:

20. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction or operation of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Water:

21. Prior to occupancy, the 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:

22. 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.
23. A safe, potable water supply shall be provided and maintained.

24. 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.
25. 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:

26. Maintain the Annual Operating Permit for any alternative (mound, at grade, pre-treatment 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.
27. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
28. 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.
29. When permitted events exceed 25 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 Agricultural Promotional event and shall be promptly serviced and removed within 48 hours after the 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 event as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.

- ii) Toilet paper is promptly replaced when the dispenser runs out.
- iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
- iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
- v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

30. 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:

31. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division 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 Division 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 Division 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.

32. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food for off-site shipment.

Noise:

33. Mitigation 12.a.i.
Noise shall be controlled in accordance with Table NE-2 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.		

Mitigation Monitoring:

Any noise complaints will be investigated by PRMD staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. 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)

34. 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.
35. No indoor amplified sound shall be heard from the property line.
36. 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.

Smoking:

37. 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.
38. 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.

GRADING AND STORM WATER:

The conditions below have been satisfied BY _____ DATE _____

39. 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.
40. 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.
41. The following development and redevelopment projects are subject to storm water Low Impact Development (LID) regulations:
 - a. All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface.
 - b. All development and redevelopment projects that include four or more houses.
 - c. Streets, roads, industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, and automotive service facilities creating or replacing a combined total of 10,000 square feet or more of impervious surface.

If the proposed project, and reasonably foreseeable future development, exceeds the thresholds noted above, then measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. LID/SUSMP features must be installed per approved plans and specifications, and working properly prior to finalizing the grading permit and associated building permits.

42. 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.
43. 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.

44. 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.

45. 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.

46. 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.

47. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.

48. Mitigation 9.a:

This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice Of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Grading and Storm Water Section of the Permit and Resource Management Department.

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until the NOI and the WDID have been received.

49. Mitigation 9.c.:

Prior to grading or building permit issuance, construction details for all storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Storm water best management practices must be installed per approved plans and specifications, and working properly prior to each rainy season (October 15 each year) and remain functional throughout the rainy season. The Permit and Resource Management Department will verify storm water best management practice installation and functionality, through inspections, throughout the life of the construction permit(s).

Storm water best management practices shall be designed and installed pursuant to adopted Sonoma County Best Management Practice Guide.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the plans meet all storm water best management practices. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

50. Mitigation 9.d.:

Prior to grading or building permit issuance, construction details for all post-construction storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Post-construction storm water best management practices shall be designed and installed pursuant to the adopted Sonoma County Best Management Practice Guide.

The owner/operator shall maintain the required post-construction best management practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction best management practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

Mitigation Monitoring:

Post-construction storm water best management practices shall be installed per approved plans and specifications, and working properly prior to finalizing the grading or building permits. The Permit and Resource Management Department will verify post-construction storm water best management practice installation and functionality, through inspections, prior to finalizing the permit(s).

51. Mitigation 9.e.:

The construction plans shall include a storm water drainage system that adequately addresses the impacts and design features discussed above, in substantial conformance with the final drainage report. The design and sizing of the storm water drainage system shall be in compliance with the adopted Sonoma County Water Agency Flood Control Design Criteria, 1983 or most recently revised edition.

A final drainage report for the proposed project shall be prepared for this project. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The final drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

The construction plans and final drainage report shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application and/or improvement plans, as applicable, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the final drainage improvements are in compliance with the final drainage report. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

52. Mitigation 9.f.:

The project shall be subject to a setback of 30 feet from the top of the bank as established in Policy OSRC-8b (Riparian Corridor Setback) of the Sonoma County General Plan. (Note: If existing riparian vegetation extends beyond the numerical setback distance, then the setback shall be established at the drip line of the existing riparian vegetation or offsite mitigation shall be required.)

The project shall be subject to County Code Section 7-14.5 Stream setback for structures requiring a building permit as well as to County Code Section 11.16.120 setback for streams. No structure shall be setback less than 30 feet from the top of the bank.

The development plans shall present the setbacks associated with each of the county code sections detailed above.

The development plans shall be subject to review and approval by the Grading & Storm Water Section, the Building Division and/or the Planning Division of the Permit and Resource Management Department prior to the issuance of any building or grading permits.

Mitigation Monitoring:

Grading and Storm Water Section Staff shall ensure that all plans provide evidence that the appropriate setback to the drainage along the eastern side of the property is maintained for all building and grading permits. The project planner shall ensure that all landscaping and other activities are setback from the drainage appropriately.

53. 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 Use.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

54. "Special Event Ahead" signage shall be employed during the course of events. Signs conforming to Sonoma County Standard Drawing No. 710 shall be placed in advance of the Applicant's entrance in order to alert all traffic to the possibility of traffic congestion (www.sonoma-county.org/tpw/pdf/const_std/710.pdf).
55. Prior to issuance of any building permit, or temporary or final occupancy: To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, winery access to Sonoma Mountain Road shall conform to AASHTO recommendations. More specifically, the Developer shall construct a commercial driveway entrance meeting the following criteria:
- a. A minimum paved throat width of 20 feet (measured 30 feet from edge of pavement);
 - b. Entrance curves having a minimum pavement radius of 25 feet, the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Sonoma Mountain Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
 - c. The driveway shall enter Sonoma Mountain 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 entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.

- e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/pdf/const_std/814.pdf).
- 56. 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.
- 57. The Applicant shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
- 58. Mitigation Measure 16.a.i.:
Widen all internal roadways/driveways to a 20-foot cross section or install turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.

Mitigation Monitoring:

Prior to building permit issuance Fire Services shall review the development plans to ensure that on-site access meets the requirements for width or includes the correct number of turnouts.

- 59. Mitigation Measure 16.a.ii.:
The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Sonoma Mountain Road. To enhance sight distance, Department of Transportation and Public Works recommends the removal of vegetation and select eucalyptus trees located along the edge of pavement west of the existing driveway.

Obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance program shall be developed subject to approval of the Sonoma County Department of Transportation and Public Works to ensure that the sight distance is maintained.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide documentation that an agreement with Sonoma County Transportation and Public Works for vegetation removal and maintenance of that vegetation has been entered into. Annually, the project planner and/or Public Works staff will verify that the work has been completed and results in a minimum sight distance of 445 feet to the east and 385 feet to the west.

FIRE AND EMERGENCY SERVICES:

“The conditions below have been satisfied BY _____ DATE _____

- 60. 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.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

61. This Use Permit is for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional event per year. See the details of the events below. Only one event may be a wedding, which can only be held during the summer months (June to September). The nine authorized promotional events must promote and market agricultural products grown or processed in the County and be secondary and incidental to agricultural production. Hours of operation for winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional event must end by 9:30 p.m. with all clean up completed by 10:00 p.m. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0016. The site is a 55-acre parcel located easterly of the intersection of Pressley Road and Sonoma Mountain Road.

Phasing of the project is as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added for the creamery and 530 square feet will be added to the milking shed.
2. The existing Legal Non-Conforming 2,490 square foot residence will be demolished. A new 4,270 square foot residence for the owner which will include the tasting/hospitality, commercial kitchen, and administrative space on the ground floor will be constructed. The existing Primary Dwelling will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant prior to issuance of the building permit for the new primary dwelling.
3. Prior to issuance of the building permit for the new primary residence demolish the 1,780 square foot garage with second story residence.

Employees in Phase I: Four Full-time and two part-time during non-harvest increasing to six full-time during harvest and bottling, not including agricultural workers.

Phase II: (Start Time: 3 to 4 years from approval)

1. The new 8,300 square foot winery building will be constructed adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit and covenant must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn, for the creamery.

Employees in Phase II: Five full-time and four part-time during non-harvest increasing to seven full-time during harvest and bottling, not including agricultural workers.

Events

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

62. The facility shall not be rented out to third parties for events
63. The days and hours for Agricultural Promotional 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 Agricultural Promotional 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.
64. All events shall be coordinated with the Sonoma Mountain Zen Center so that events are not scheduled on the same dates.
65. Mitigation 12.a.ii.
 Agricultural Promotional events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan. All events shall end by 9:30 p.m. so that guests can leave the site by 10:00 p.m.
- Mitigation Monitoring:
 Any complaints about events outside the hours established by the Noise Element of the General Plan shall be investigated and if events are held or allowed to continue outside the allowed hours of operation then enforcement actions may be undertaken up to and including potential revocation.
66. Currently there are one primary and two legal non-conforming dwelling units on-site. Prior to issuance of a building permit for any building containing dwelling units applications to designate each dwelling on site as a qualifying type of unit that complies with both the Zoning designation and the Williamson Act contract shall be submitted and receive approval.
67. This Use Permit (PLP12-0016) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
68. 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.
69. 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.

70. 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, 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.
71. Condition Compliance Fee. Prior to commencement of event activities, the owner/operator shall submit a Condition Compliance Review fee deposit sufficient to cover the review of event activities as described above.
72. At the time of submitting a building permit application, the applicant shall submit to PRMD 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 inspection being granted.
73. 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.
74. 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.
75. Mitigation Measure 5.b.
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."

Mitigation Monitoring: 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.

76. Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).
77. The applicant shall maintain a minimum of 96 parking spaces on-site to serve the agricultural processing facility, tasting room, and events. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein. No parking on Sonoma Mountain Road is allowed.
78. No tour buses are allowed.
79. A sign shall be installed at the end of the driveway that states "Left Turn Only."
80. Construction of new or expanded residential and non-residential development shall be subject to Affordable Housing and Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
81. 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.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

82. Mitigation 7.a.iv.:
Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code).

Mitigation Monitoring:

Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.

<http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>

83. Mitigation 1.c.i:
Prior to issuance of building permits the applicant shall submit the building and landscaping plans for final Design Review.

Mitigation Monitoring:

The Design Review Committee will ensure that the buildings are appropriately sited and screened from view from public roadways and adjoining properties in conformance with the Bennett Valley

Design guidelines. Building and grading permits shall not be issued until they have been approved by the Design Review Committee.

84. Mitigation 1.c.ii.:

Additional trees and shrubs shall be planted along Sonoma Mountain Road to more completely screen the new winery building from the road. Additional orchard trees should be located on the north side of the new winery building, the existing dance hall, and along that area to the west to provide screening and breakup the northerly façade of the new winery and dwelling/tasting facility. The roadside plantings shall be reviewed by the transportation consultant Whitlock & Weinberger to ensure that sight distances at the driveway are not impaired by the new vegetation.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide the project planner with a detailed landscaping plan showing the location, type, irrigation lines, and sizes of all new landscaping and orchard plantings. These plans must be approved by the planner, the transportation consultant, and the Design Review Committee.

85. Mitigation 1.d.:

Prior to issuance of the Building Permit, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded, and directed downward to prevent "wash out" onto adjacent properties. 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 until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit 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 require the property be brought into compliance or initiate procedures to revoke the permit. (Ongoing)

86. Mitigation Measure 3.c.:

The following dust control measures will be included in the project:

- A. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as directed by the County.
- 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:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff 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 for dust control measures to be implemented during construction. 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 additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

87. Mitigation 3.e.:

Disposal of pomace and other waste products from processing of agricultural materials 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. Agricultural waste products 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. Agricultural waste products shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
- c. Agricultural waste products shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the waste to be used by the County's composting program.

Agricultural waste products shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities a) through c) above have been exhausted. In all cases, care shall be taken to prevent contamination by petroleum products, heavy metals, pesticides or any other material that renders the material unsuitable for composting with subsequent land application. Land application, placement of waste into a composting facility or disposal shall occur within two weeks of the end of processing.

Mitigation Monitoring:

If PRMD 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.

88. Mitigation 4.a.i.:

Prior to reconstruction of the barn, the applicant shall hire a qualified bat and bird specialist to conduct a pre-demolition survey during the time when bats or barn owls would be expected to be present and active (i.e., early April) to determine the presence of roosting bats or nesting owls. If no evidence exists that either bats are roosting or owls are nesting in the barn, then no further mitigation is required.

Mitigation Monitoring:

Prior to issuance of demolition/reconstruction permits for the barn a copy of the study shall be provided to the project planner.

89. Mitigation 4.a.ii.:

If roosting bats or nesting owls are determined to be present, the applicant shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to the barn, to the extent feasible. Based on recommendations from a bat and bird specialist, appropriate exclusion devices shall be installed to prevent roosting bats and nesting owls from being in the facility when demolition and reconstruction occurs. The replacement roosting facility shall be monitored weekly during the first month after installation and then once every three months until activities are completed to document bat utilization.

Mitigation Monitoring:

Prior to issuance of permits for demolition/reconstruction for the barn the applicant's consultant shall provide documentation that the replacement roosting facilities have been installed along with the exclusion devices to prevent bats and owls from reoccupying the barn. Monitoring reports shall be submitted to the project review planner as they are prepared.

90. Mitigation 4.a.iii.:

A riparian (streamside conservation area) line shall be established 30-feet from the top of the bank of drainage on the easterly side of the construction area. "NOTE ON PLANS": Structures, equipment, roads, utility lines, parking lots, lawns, agricultural uses (planting, grazing, etc.), grading, fill, and excavation shall be prohibited in this conservation area.

Mitigation Monitoring:

The setback line shall be shown on the plans and prohibits activities within the creek setback.

91. Mitigation 7.a.i.:

All new buildings shall be constructed in conformance with CalGreen at the Tier 1 level of compliance. These standards apply to both new residential and non-residential construction excepting remodels and additions, and result in buildings that are more energy efficient and reduce GHG emissions.

Mitigation Monitoring:

CalGreen + Tier 1 compliance became mandatory in Sonoma County when it was adopted and approved by the Board of Supervisors and California Energy Commission; the ordinance effective date was January 1, 2011. Building permits will not be approved without compliance with this ordinance.

92. Mitigation 7.a.ii.:

The applicant shall install solar panels on the new winery buildings or ground mounted panels to provide a part of the energy which will be required for the proposed uses.

Mitigation Monitoring:

The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the applicant has carried out the installation of the solar panels to the project planner.

93. Mitigation 7.a.iii.:

The applicant shall prepare an idle time reduction plan to reduce the time that trucks making deliveries or picking up products or grapes spend with engines idling. For diesel engines idle times shall be no longer than 5 minutes.

Mitigation Monitoring:

The idle time reduction plan shall be submitted to the project planner who will verify that it meets the minimum standards established by State of California's Commercial Vehicle Idling Regulations.

94. Mitigation 8.a.:

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:

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. The applicant shall be

responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

95. 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 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.
96. 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.
97. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
98. 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.
99. 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 and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
 - a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting, Agricultural Promotional event, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with Agricultural Promotional event, wine club meals and winemaker dinners. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.
 - c. Retail sales of pre-prepared 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-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) 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.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.

100. 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.
101. 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.

102. 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.

103. This Use Permit is approved for phased project development:

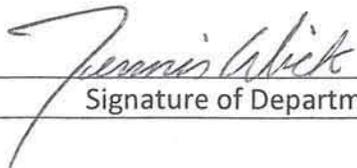
Phase I:

Phase I shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the granting of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase I may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Phase II:

Phase II is not automatically vested with Phase I. Phase II shall be vested by obtaining the necessary permits and starting construction within two (2) years from the date of occupancy and operation of Phase I of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit for Phase II shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase II may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

County of Sonoma Agenda Item Transmittal Report

To: Board of Supervisors		As: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Regular	
Board Agenda Date: September 9, 2014		Vote Requirement: Majority	
Department or Agency Name(s): Permit and Resource Management Department			
Staff Name and Phone Number:		Supervisory District(s):	
Melinda Grosch 707-565-2397		First	
This Item Requires: (Check appropriate boxes)			
<input type="checkbox"/> Requests Gold Resolution <input type="checkbox"/> Public Appearance Anticipated <input type="checkbox"/> Budgetary Adjustment Resolution <input type="checkbox"/> Position Allocation List Change(s) <input type="checkbox"/> PowerPoint	<input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Uncontested Date and Time of Hearing: <p style="text-align: center;">9/9/2014 2:10 PM</p>	<input type="checkbox"/> County Counsel Approval Date: _____ By: _____	
Title: Appeal of the Board of Zoning Adjustments' approval of a Use Permit and Design Review for Belden Barns Winery and Cheese Creamery; Owner, Nathan Belden; Appellants: Parker, Rodney, LaGoy; PRMD File No. PLP12-0016.			
Recommended Actions: Conduct a public hearing and approve a resolution denying the appeal, adopting the Mitigated Negative Declaration, and upholding the Board of Zoning Adjustments approval of a Use Permit and Design Review for the Belden Barns Winery. The project is located at 5561 Sonoma Mountain Road, Santa Rosa; APN: 049-030-010.			
		 _____ Signature of Department Head	
Special Instructions to Clerk of the Board:			
For Agenda Committee Use			
County Administrator's Office Recommendation:			
<input type="checkbox"/> Approval		<input type="checkbox"/> Submitted with Comment	
<input type="checkbox"/> Not Recommended		<input type="checkbox"/> Policy Determination by Board	
Analyst Comment:			
_____ _____			



County of Sonoma Agenda Item Summary Report

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

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

To: Board of Supervisors

Board Agenda Date: September 9, 2014

Vote Requirement: Majority

Department or Agency Name(s): Permit and Resource Management Department

Staff Name and Phone Number:

Melinda Grosch 707-565-2397

Supervisorial District(s):

First

Title: Appeal of the Board of Zoning Adjustments' approval of a Use Permit and Design Review for Belden Barns Winery and Cheese Creamery; Appellants: Parker, Rodney, LaGoy; PRMD File No. PLP12-0016.

Recommended Actions:

Conduct a public hearing and approve a resolution denying the appeal, adopting the Mitigated Negative Declaration, and upholding the Board of Zoning Adjustments approval of a Use Permit and Design Review for the Belden Barns Winery. The project is located at 5561 Sonoma Mountain Road, Santa Rosa; APN: 049-030-010.

Executive Summary:

Project Description:

The project consists of a request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting, and ten Agricultural Promotional events per year. The 55-acre parcel is located approximately 1.5 miles east of the intersection of Pressley Road and Sonoma Mountain Road. The parcel is currently developed with an old farmstead that includes three dwellings (one legal conforming dwelling and two Legal Non-Conforming dwellings that were constructed in the late 1800's early 1900's), a barn, and several other out buildings. The parcel is planted with 20 acres of grapes and an area of approximately three acres for vegetables is currently under development. Areas for pasture, orchard, and additional grape planting have been studied. No cows or goats are currently on-site as their purchase is pending the approval of this permit. The property is under a Land Conservation (Williamson) Act contract.

The proposed project is to be phased as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added to the main part of the barn for the

creamery and 530 square feet will be added to the milking shed portion of the barn.

2. The existing 1,178 square foot Primary Residence will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant prior to issuance of the building permit for the new Primary Residence. The existing Legal Non-Conforming 2,490 square foot residence will be demolished and a new 4,270 square foot residence is to be constructed for the owner. This residence will also include tasting/hospitality, commercial kitchen, and farmstead administrative space on the ground floor.
3. Prior to issuance of the building permit for the new Primary Residence the 1,780 square foot garage with second story residence will be demolished.

Employees: Four full-time and two part-time during the non-harvest season increasing to six full-time during harvesting and bottling, not including agricultural workers.

Agricultural promotional events are proposed to commence with Phase 1 of the project as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200
10	Total Events per Year		

Phase II: (Start Time: 3 to 4 years from approval)

1. Construct the new 8,300 square foot winery building adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit and covenant must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn for the creamery.

Employees: Will be increased to five full-time and four part-time during the non-harvest season

increasing to seven full-time during harvesting and bottling, not including agricultural workers.

Hours of Operation (for both Phases):

Hours of operation for winery processing/administrative functions are seven days a week, 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest. Processing may exceed these hours as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

Project Location, General Plan and Zoning:

The subject property is located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010. The base zoning district is LIA (Land Intensive Agriculture). The Combining Zone district for the property is SR (Scenic Resources). Zoning and General Plan consistency are discussed in the Board of Zoning Adjustments December 19, 2013 Staff Report. The property is under a Land Conservation (Williamson) Act Contract.

Application History:

In December 2013, the Board of Zoning Adjustments heard the request for a new agricultural processing facility. After substantial testimony from opponents of the project, the Board of Zoning Adjustments continued the item to a date and time uncertain in order for staff to provide additional information on: 1) traffic generation, safety and roadway conditions; 2) special Bennett Valley Area Plan policies; 3) potential impacts to raptors; 4) groundwater impacts; 5) clarification on how the phasing will be implemented and vested; and 6) comments relative to the Mitigated Negative Declaration.

On March 13, 2014, the Board of Zoning Adjustments heard the request for the second time and found that the issues raised had been adequately addressed, adopted the Mitigated Negative Declaration, and approved the project based on the findings and subject to the conditions contained in Exhibit A.

On March 24, 2014 Don & Donna Parker, Amy Rodney, and Byron LaGoy (the Appellants) filed a timely appeal to the Board of Supervisors.

Issues Raised With the Appeal:

With their appeal the Appellants submitted correspondence raising the following issues discussed at the Board of Zoning Adjustments hearings:

Road Safety: Multiple people commented on potential safety issues related to the rural road system in the area. Primary concerns focus on the narrow width, inadequate site distances on many road curves in the vicinity, use by bicyclists and pedestrians, and potential inebriated drivers.

Analysis: The applicant's traffic consultant reviewed accident data for the area where the winery is proposed. Overall, the accident rate is lower than for similar roadways throughout the state. The consultant recommends that brush adjacent to Sonoma Mountain Road and east of the site must be kept trimmed to maintain adequate site distance. Improvements that will be required at the driveway

into the property (driveway width, curve radii, vegetation removal, etc.) will help to ensure that those turning into or out of the property do not cause a hazard on Sonoma Mountain Road.

As specified in Condition of Approval No. 98 below, winery staff will be required to receive training in how to manage alcohol consumption to minimize customers becoming inebriated. This is a standard condition of approval required for all winery tasting rooms.

98. 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.

The Sonoma County Bicycle and Pedestrian Plan adopted by the Board of Supervisors, August 24, 2010 indicates that Sonoma Mountain Road is a Class III roadway meaning that bicycles will share the travel lane with automobiles and pedestrians will use the roadside shoulders. No improvements for bicycles or pedestrians are included in the Plan. As indicated above, conditions of approval requiring safety improvements at the project driveway and regular trimming of brush along the roadway will improve site distance at the driveway which will provide safer road conditions for all users of the road.

Road Condition and Wear and Tear: Many of the comments received from neighbors discuss the condition of Sonoma Mountain Road and the lack of maintenance and repairs. These comments focus on the further road deterioration that would be caused by the additional traffic that the project will generate.

Analysis: The transportation consultant notes that the project will likely result in a reduction of heavy truck traffic as grapes will no longer need to be hauled off-site for processing. The fact that the grapes grown on-site will now be processed on-site rather than shipped to an off-site winery will result in a decrease in truck traffic. For the proposed 10,000 cases of wine and the current yield of grapes, about 100,000 pounds of grapes will need to be imported and will require about 50 one-way truck trips to haul them to the site. The current on-site grape yield averages 200,000 pounds of grapes which would require approximately 100 one-way truck trips to haul to an off-site winery for processing. Therefore, the on-site winery will reduce the number of truck trips associated with processing from 100 to 5 because the grapes grown on-site will also be processed on-site. Even with the additional trips needed to import some milk for the creamery the number of trips will be significantly reduced from the current number.

Light vehicles such as passenger vehicles and pickups do not significantly contribute to wear and tear on roads. While this type of traffic will increase, it should not worsen the existing condition of Sonoma Mountain Road.

The applicant will be required to pay traffic mitigation fees that are based on the size of the building and the intensity of the use. These fees are intended to off-set cumulative traffic impacts countywide.

Traffic Generation Relative to Total Traffic on Sonoma Mountain Road: The appellants state that traffic generated by this project is excessive and will overwhelm the existing narrow rural road system, and will exacerbate existing problems in combination with traffic generated by the Zen Center and the planned opening of the park (currently in transition from the Sonoma County Agricultural Preservation and Open Space District to Regional Parks and referred to as Sonoma Mountain North Slope) to the west of the project site (between Pressley and the entrance to the project site).

Analysis: The applicant's traffic consultant, W-Trans, was the consultant for the park and the Zen Center as well as this project. Traffic generated by the Zen Center project was analyzed as a part of the traffic study for the proposed project. The traffic study for the Zen Center looks at all the roadway curves and makes some recommendations for additional signage on curves that have inadequate sight distances. That study also notes that even with the additional trips the average daily traffic is low enough to result in the road being classified as a very low volume roadway.

Inadequacy of the Traffic Report: The appellants state that the traffic study is too narrowly focused on the area immediately around the Belden Barns driveway, it used an unrealistic speed limit, and wrongly classified Sonoma Mountain Road as a Rural Minor Collector when it should be a rural byway.

Analysis: The applicant's traffic consultant (W-Trans) provided additional comments on July 9, 2014. The memo specifically addresses speed limits, roadway classification, the focus area of the traffic study, and expected truck traffic. The memo is attached as "Exhibit G." The consultant states that the speed limit is not 20 miles per hour but that is posted as an advisory speed limit in certain strategic areas. This is confirmed by Public Works who stated in a July 10, 2014 e-mail:

"If a road does not have a posted speed limit it is governed/enforced under the Basic Speed law and maximum speed law, which is 55 MPH for County roads. The advisory speeds are just that, advisory; however, they are used by the CHP to enforce the Basic Speed law component, which requires drivers to operate vehicles in a manner safe for the conditions."

The traffic study is a "focused traffic study" because the small number of peak hour trips do not warrant a more extensive study. However, the vehicle trips generated by the project are distributed over the nearby roadway system serving the site and no significant impacts were noted.

Appropriateness of the Proposed Facility for the Location: The appellants have stated that they feel the proposed facility is too commercial, too large, and generally does not fit in with the rural nature of the area.

Analysis: A farmstead selling a wide range of products grown and processed on-site is not unusual for a rural area. The production numbers for both wine - 10,000 cases/ year - and cheese - 10,000 pounds/year - are relatively small compared to Sonoma County Industry norms. 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. The average number of events at wineries in Sonoma County is 20 and the average number of attendees is 326 people. So by comparison this is a relatively small facility.

The 20 acres of grapes planted on the site will produce roughly 80% of the wine processed on-site depending on the yield in any given year. In Sonoma County there is no criteria requiring all grapes processed in the winery to be grown on-site. A winery may import all, only a portion, or none of the grapes used in processing as long as at least some of the grapes are grown in Sonoma County.

Milk will likely need to be imported as the area available for pasture on-site is not large enough to accommodate the 10 cows, 50 sheep, or 100 goats necessary to produce the amount of milk needed to produce 10,000 pounds of cheese. The applicant intends to pasture as many animals as practical on-site. Importing all 12,000 gallons of milk required for the cheese would require approximately three of the 4,000 gallon milk tanker trucks and trips for cheese tasting are assumed to be part of the overall number of trips for wine tasting.

The site plan includes a couple of acres near the winery/farm complex for a small vegetable garden and orchard area. Chickens will also be raised in this general area. Produce and eggs will be made available for sale and used in the winemaker dinners. While this is a more minor aspect of the proposal it is important to the owners/applicants in providing a diverse farmstead and sourcing from the site as much as possible.

Inadequacy of the Mitigated Negative Declaration: A neighbor opposing the project, Bill McNearney, raised several questions about the Mitigated Negative Declaration and the Staff Report. Mr. McNearney's comments focus on the current condition of the roads and lack of mitigation measures to resolve the impacts of increased traffic on the road system. (See Exhibit B)

Mr. McNearney's questions the assumption that events generate an average of 2.5 persons per vehicle. For many years the accepted average vehicle occupancy has been 2.5 persons per vehicle for Sonoma County events. It has been field verified by W-Trans at various winery events throughout the County over a number of years, and is a standard also used by other traffic engineers.

Mr. McNearney states that the volume of traffic on other roads connecting to Sonoma Mountain Road will be heavily impacted by traffic generated by Belden Barns.

Analysis: Trips at the entrance to the site represent the maximum number of trips for the project. The average daily trip generation is 61 trips. These will then be dispersed onto the other roadways as people come or go in different directions. Trips generated by those travelling to and from the winery wouldn't all travel on Enterprise, Pressley, and Sonoma Mountain Roads simultaneously. Volumes are low relative to the roadway capacity even if all trips go in one direction.

Mr. McNearney states that the traffic data is out of date.

Analysis: Traffic counts were made by the traffic consultant, W-Trans, on Sonoma Mountain Road at the project site so they were not relying entirely on the traffic data that is kept by Public Works. Counts for other roads in the vicinity were not recounted because volumes are so low.

The consultant also used the Public Works capacity rating for the roadway system. That classification states that roads such as Sonoma Mountain Road should be able to handle 5,000 vehicles per day. W-Trans completed actual traffic counts on Sonoma Mountain Road in front of the project of 360 average daily trips (ADT). W-Trans was the traffic consultant for the park project and made a count for that project at a location west of the site on Sonoma Mountain Road of 822 ADT. The addition of the predicted trips for both projects – 81 for the park and 61 for Belden Barns – would not exceed the capacity of the roadway. Trips from the Zen Center are already included in traffic counts as the uses that have been applied for under the current application have been ongoing for many years and the Zen Center project does not propose an increase in the number of traffic trips.

Mr. McNearney states that the consultant and staff have ignored the current condition of Sonoma Mountain Road's paving and its many other physical shortcomings (e.g. sharp curves, steep hills, narrow lanes, lack of shoulders, etc.) in their assessment of safety. Mr. McNearney requests that the Sonoma County Department of Transportation and Public Works (TPW) review the proposal.

Analysis: TPW reviewed the project and recommended conditions #54 through #59. These conditions require signage during agricultural promotional events, driveway width and paving, encroachment permits, traffic mitigation fees, and sight distance.

Mr. McNearney discusses the lack of funding for road maintenance.

Analysis: Road maintenance is a problem countywide. To date the Board has not placed a moratorium on new development related to lack of road maintenance. New projects, including the subject project, are required to mitigate road impacts associated with the project. As discussed above this project is conditioned to make improvements at the project driveway. At the time of building permit issuance new development pays a traffic mitigation fee for capacity improvements. The Board of Zoning Adjustments did not establish any additional conditions related to roadways for this project.

Mr. McNearney disputes the accident information reported by the California Highway Patrol.

Analysis: While this data likely does not include all the accidents on any stretch of road it is the only source of documented accidents. W-Trans provided the following information:

"... there may be unreported collisions, either with other vehicles, fixed objects, or animals, unless those crashes are reported there is no way that we can include them in our analysis. Further, since the rates we compare them to are also only based on reported collisions, it results in a reliable way of determining if the road is generally operating safely or not. In this instance the collision rate was below the statewide average, so crashes are occurring at a rate that is relatively typical. Again, the poor condition of the roadway does not mean that there is a safety problem, and in fact results in lower speeds and therefore a reduced number of crashes."

Mr. McNearney states that bicyclists were not adequately addressed as the Mitigated Negative Declaration only discusses safety around the entrance to the proposed winery and cheese making facility.

Analysis: The project was sent to the Bicycle and Pedestrian Advisory Committee for comments and conditions. No comments or conditions were received. Based on the Class III classification of Sonoma Mountain Road in the Bicycle Plan, no significant changes are planned for this road to further accommodate bicycles. The road is used by bicyclists because it is a scenic rural road and does connect to the San Francisco Ridge Trail and proposed trails on Open Space properties.

Mr. McNearney states that Section 8 of the Mitigated Negative Declaration is incomplete as it does not discuss hazards to bicycles and pedestrians.

Analysis: Section 8 of the Mitigated Negative Declaration discusses hazardous materials and impacts to and from airports which may be in the area of a project. This project does not involve hazardous materials and there are no airports in the vicinity. Section 16(f) discusses bicycles and pedestrians. Although Sonoma Mountain Road is used by bicyclists and pedestrians it is not a major bicycle and pedestrian facility and no bicycle or pedestrian improvements are planned at this time. Many County roadways serving wineries offering events also serve bicyclists and pedestrians. Motorists are required to share the road with bicyclists and pedestrians and no significant impacts to bicyclists and pedestrians have been determined as a result of this project.

Mr. McNearney makes the following statements about Sonoma Mountain Road in his letter:

- a. He states that the County plans to allow Sonoma Mountain Road to deteriorate until it goes back to being a gravel road.
- b. He asserts that numerous petitions asking the Board to fix Sonoma Mountain Road have brought no results.
- c. He argues that there is no planned widening or repaving of Sonoma Mountain Road, no plans for a Class 1 bicycle and pedestrian facility (i.e., separated from vehicle lanes); inebriated drivers increase road hazards; and wildlife cross the road creating additional hazards.
- d. Staff's acceptance of the traffic report may expose the County to "serious legal liability."

Analysis: These same comments were reviewed by the Board of Zoning Adjustments and they were discussed at the hearing.

Non-Compliance with the Bennett Valley Area Plan: The Bennett Valley Area Plan does include a Bennett Valley Scenic Corridor which is substantially different than the Scenic Corridor designation that is applied throughout the County. The appellant states that no construction may occur within the Visual Corridor unless it makes the parcel unbuildable. Further, the appellant contends that if the owner of a parcel constrained by the Visual Corridor has any existing development no additional development need be allowed.

Analysis: The appellants' representation of the use and interpretation of the Bennett Valley Visual Corridor is based on a previous interpretation of the Area Plan by the Bennett Valley Design Review

Committee. The Area Plan indicates that site development can occur on a site if located outside of the Visual Corridor or within the Visual Corridor if the strict application of the prohibition on development within the Visual Corridor makes the parcel unbuildable.

The subject property has both a Scenic Corridor designation (Sonoma Mountain Road is a Scenic Corridor) and is within the Bennett Valley Scenic Corridor. The site has an existing historic farm complex located within the Bennett Valley Scenic Corridor (but outside the standard Scenic Corridor established by the General Plan – see the site plan attached as Exhibit H). The farm complex is sited at the base of a small hill which sits at the base of a more elevated area forming a shoulder of Sonoma Mountain.

On-site review of the proposed location versus the area outside the Visual Corridor was conducted with the applicant's engineer and Design Review Committee staff. The Bennett Valley Visual Corridor was established to minimize visual impacts to public views and private views and is intended to be used as a tool to help accomplish this goal. It is also helpful to remember that the area plan visual corridor was established through a "windshield survey" not through actual on the ground plotting. Consistent with requirements of the SR (Scenic Resources) zoning designation, staff also completes an on-site visual analysis of existing and proposed development. When reviewing this site staff determined that visual impacts would be greater if development was placed outside of the existing historic farm complex, which lies within the designated visual corridor. Areas outside of the visual corridor are primarily at a higher elevation and would create more of a negative visual impact than integrating new structures within the existing farm complex.

The Bennett Valley Area Plan includes the following interpretive language for use with the plan.

STANDARDS - APPLICATION

Review of any proposed development should consider each of the standards described below. Each standard should be applied to the maximum extent feasible, recognizing that in some cases these standards when applied to a particular project may be contradictory. General Plan policies shall apply where the development guidelines conflict with the General Plan. The Design Review Committee should consider the total impact of the project in determining the extent to which each standard should be applied.

Strict adherence to the setback established by the Bennett Valley Visual Corridor in this area would result in the winery building being visible from both Sonoma Mountain Road and adjoining properties. Staff determined that the placement of a large winery structure on a ridge conflicts with the intent of both the General Plan's designation of the area as a Scenic Landscape Unit and the Bennett Valley Area Plan's premium on protecting both public and private views. The building is placed well outside of the standard 200 foot setback established by Sonoma Mountain Road's designation as a Scenic Corridor in the General Plan. The Bennett Valley Scenic Corridor is over 1,000 feet deep on this and the adjoining property to the west but is roughly half that distance for most of the other parcels along Sonoma Mountain Road in this area. After deliberation the Design Review Committee recommended that the new winery building be placed with the other buildings in the existing farm complex to minimize the visual impacts of the additional development.

Additionally, a portion of the area outside the Visual Corridor has been identified as an area of active landslide potential. The previous property owner discovered this when they were attempting to replace

the single family dwelling with a new dwelling. Their geologist declared the area to be unsuitable for development due to the landslide. Ultimately they received permission in April 2003 to construct a dwelling in the area of the existing farm complex but the dwelling was never constructed.

Despite the proposed new development being located in the Visual Corridor staff and the Board of Zoning Adjustments recommended new development be constructed within the existing farm complex as a means of minimizing visual impacts associated with the project.

Water Availability: The appellants state that wells in the area are running dry and that neighbors have had to have water trucked in.

Analysis: This argument cannot be verified at this time as no well records were submitted for the parcels where this problem has occurred. This can be difficult to determine since well information is proprietary and is thus not available without owner consent.

A groundwater study was prepared by E.H. Boudreau, Registered Geologist #3000 in August 2013. The study concluded that the project would not result in a negative impact to the groundwater basin. The study was based on an evaluation of the groundwater basin, average annual rainfall, and estimated recharge. PRMD staff reviewed and accepted this study.

Increased Impervious Surfaces: The appellants state that the project will result in excessive additional impervious surfaces which decrease groundwater recharge.

Analysis: The applicant's geologist, E.H. Boudreau, reviewed the water balance and recharge potential with the project as proposed and determined that there is no significant impact to the property's recharge capacity. Additionally, current practices for drainage and erosion control keep runoff from leaving the property through drainage swales and other methods of slowing and impounding water to allow it to percolate into the ground. These "best practice" methods will be required as part of the grading and construction for this project.

Air Quality: The appellants state that the winery will generate many new car trips which will contribute to greenhouse gas emissions.

Analysis: The project will result in a reduction in heavy truck traffic from the current situation since bulk grapes will not be shipped off-site for processing. The passenger traffic is not enough to trigger the need for air quality analysis under the current standards (2,000 vehicle trips per day) established by the Air Quality Management District. Additionally, most winery visits are not generated solely by a single winery but are trips that are on the road to visit multiple wineries in one day.

Staff Recommendation:

Staff recommends that the Board hold a public hearing to consider the appeal and at the conclusion of the hearing deny the appeal and uphold the Board of Zoning Adjustments approval of the requested Use Permit.

Prior Board Actions:

None

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The Use Permit process provides the opportunity for a winery to process grapes grown on the site and reduce the tonnage of grapes that are currently hauled off site for processing. In addition, the Use Permit allows processing of milk into cheese and promotion of the wine, cheese and farm products (eggs, vegetables, etc.) produced on-site through tasting facilities and agricultural promotional events. These direct marketing and educational tools help increase sales directly to consumers, increase their wine club membership, and provide label recognition for the winery and cheese in a competitive market. According to this year’s 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 - FY 14-15

Expenditures		Funding Source(s)	
Budgeted Amount	\$		\$
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$		\$
Total Expenditure	\$	Total Sources	\$

Narrative Explanation of Fiscal Impacts (If Required):

None. The costs of the permit process are 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):

N/A

Attachments:

Draft Resolution Denying the Appeal

Exhibit A: Conditions of Approval

Exhibit B: Appeal Form and Letters from Boulton, Parker, and McNearney

Exhibit C: Board of Zoning Adjustments Resolution No. 14-005

Exhibit D: Board of Zoning Adjustments Actions dated March 13, 2014

Exhibit E: Board of Zoning Adjustments Actions dated December 19, 2013

Exhibit F: Board of Zoning Adjustments Staff Report dated March 13, 2014

Attachment D to March 13, 2014 Board of Zoning Adjustments Packet:

Board of Zoning Adjustments Staff Report dated December 19, 2013

Mitigated Negative Declaration

Exhibit G: Traffic Studies and Reviews

Exhibit H: Site Plan

Exhibit I: Letter from Nathan Belden to Supervisor Gorin dated June 6, 2014

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

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirements.

6. Mitigation 6.a.ii.2.

The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by PRMD. The geotechnical engineer shall certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring:

PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements.
PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

7. Mitigation 12.a.iii:

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 it shall be subject to approval by PRMD. 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) If required, 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. The nearest off-site dwelling is more than 600 feet away thus locating noise generating equipment in areas shielded by on-site buildings will provide adequate noise protection.

Mitigation Monitoring:

PRMD staff shall ensure that the measures are listed on all site alteration, 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)

HEALTH:

The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

8. Prior to building permit issuance and vesting the Use Permit, 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 2007 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.

9. 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 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. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
10. Prior to the issuance of building permits and vesting the Use Permit, 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 Department of Public Health, Office of Drinking Water if 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 Department of Public Health 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 may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
11. 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.
12. Prior to building permit issuance for Phase I and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of five gallons per minute.
13. Prior to the issuance of any building permit and vesting the Use 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:

14. 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.

The project description includes Agricultural Promotional event 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 25% percent of the wastewater flow from an outdoor event with 100 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system. Note that indoor events such as dinners are expected to provide septic system capacity for 100% of the event, as these guests are not expected to exit the building to use portable toilets.

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.

15. 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.
16. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system to be retained. The septic system shall be evaluated for the ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel that will be plumbed to an existing septic system.

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.

17. 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:

18. Prior to the issuance of building permits, vesting the subject Use Permit, 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 Environmental Health Division of the Health Services Department.

If the project will operate under a Wine Tasting Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 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).

Contact the Environmental Health Division at 565-6547 for information and instruction sheet. An e-mail of the approval from the Environmental Health Division 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).

Solid Waste:

19. 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. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

Vector Control:

20. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction or operation of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Water:

21. Prior to occupancy, the 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:

22. 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.
23. A safe, potable water supply shall be provided and maintained.

24. 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.
25. 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:

26. Maintain the Annual Operating Permit for any alternative (mound, at grade, pre-treatment 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.
27. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
28. 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.
29. When permitted events exceed 25 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 Agricultural Promotional event and shall be promptly serviced and removed within 48 hours after the 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 event as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.

- ii) Toilet paper is promptly replaced when the dispenser runs out.
- iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
- iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
- v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

30. 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:

31. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division 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 Division 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 Division 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.

32. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food for off-site shipment.

Noise:

33. Mitigation 12.a.i.
Noise shall be controlled in accordance with Table NE-2 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.		

Mitigation Monitoring:

Any noise complaints will be investigated by PRMD staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. 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)

34. 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.
35. No indoor amplified sound shall be heard from the property line.
36. 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.

Smoking:

37. 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.
38. 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.

GRADING AND STORM WATER:

The conditions below have been satisfied BY _____ DATE _____

- 39. 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.
- 40. 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.
- 41. The following development and redevelopment projects are subject to storm water Low Impact Development (LID) regulations:
 - a. All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface.
 - b. All development and redevelopment projects that include four or more houses.
 - c. Streets, roads, industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, and automotive service facilities creating or replacing a combined total of 10,000 square feet or more of impervious surface.

If the proposed project, and reasonably foreseeable future development, exceeds the thresholds noted above, then measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. LID/SUSMP features must be installed per approved plans and specifications, and working properly prior to finalizing the grading permit and associated building permits.

- 42. 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.
- 43. 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.

44. 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.
45. 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.
46. 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.
47. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.
48. Mitigation 9.a:
This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice Of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Grading and Storm Water Section of the Permit and Resource Management Department.

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until the NOI and the WDID have been received.

49. Mitigation 9.c.:
Prior to grading or building permit issuance, construction details for all storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Storm water best management practices must be installed per approved plans and specifications, and working properly prior to each rainy season (October 15 each year) and remain functional throughout the rainy season. The Permit and Resource Management Department will verify storm water best management practice installation and functionality, through inspections, throughout the life of the construction permit(s).

Storm water best management practices shall be designed and installed pursuant to adopted Sonoma County Best Management Practice Guide.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the plans meet all storm water best management practices. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

50. Mitigation 9.d.:

Prior to grading or building permit issuance, construction details for all post-construction storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Post-construction storm water best management practices shall be designed and installed pursuant to the adopted Sonoma County Best Management Practice Guide.

The owner/operator shall maintain the required post-construction best management practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction best management practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

Mitigation Monitoring:

Post-construction storm water best management practices shall be installed per approved plans and specifications, and working properly prior to finalizing the grading or building permits. The Permit and Resource Management Department will verify post-construction storm water best management practice installation and functionality, through inspections, prior to finalizing the permit(s).

51. Mitigation 9.e.:

The construction plans shall include a storm water drainage system that adequately addresses the impacts and design features discussed above, in substantial conformance with the final drainage report. The design and sizing of the storm water drainage system shall be in compliance with the adopted Sonoma County Water Agency Flood Control Design Criteria, 1983 or most recently revised edition.

A final drainage report for the proposed project shall be prepared for this project. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The final drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

The construction plans and final drainage report shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application and/or improvement plans, as applicable, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the final drainage improvements are in compliance with the final drainage report. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

52. Mitigation 9.f.:

The project shall be subject to a setback of 30 feet from the top of the bank as established in Policy OSRC-8b (Riparian Corridor Setback) of the Sonoma County General Plan. (Note: If existing riparian vegetation extends beyond the numerical setback distance, then the setback shall be established at the drip line of the existing riparian vegetation or offsite mitigation shall be required.)

The project shall be subject to County Code Section 7-14.5 Stream setback for structures requiring a building permit as well as to County Code Section 11.16.120 setback for streams. No structure shall be setback less than 30 feet from the top of the bank.

The development plans shall present the setbacks associated with each of the county code sections detailed above.

The development plans shall be subject to review and approval by the Grading & Storm Water Section, the Building Division and/or the Planning Division of the Permit and Resource Management Department prior to the issuance of any building or grading permits.

Mitigation Monitoring:

Grading and Storm Water Section Staff shall ensure that all plans provide evidence that the appropriate setback to the drainage along the eastern side of the property is maintained for all building and grading permits. The project planner shall ensure that all landscaping and other activities are setback from the drainage appropriately.

53. 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 Use.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

54. "Special Event Ahead" signage shall be employed during the course of events. Signs conforming to Sonoma County Standard Drawing No. 710 shall be placed in advance of the Applicant's entrance in order to alert all traffic to the possibility of traffic congestion (www.sonoma-county.org/tpw/pdf/const_std/710.pdf).
55. Prior to issuance of any building permit, or temporary or final occupancy: To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, winery access to Sonoma Mountain Road shall conform to AASHTO recommendations. More specifically, the Developer shall construct a commercial driveway entrance meeting the following criteria:
- a. A minimum paved throat width of 20 feet (measured 30 feet from edge of pavement);
 - b. Entrance curves having a minimum pavement radius of 25 feet, the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Sonoma Mountain Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
 - c. The driveway shall enter Sonoma Mountain 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 entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.

- e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/pdf/const_std/814.pdf).
- 56. 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.
- 57. The Applicant shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
- 58. Mitigation Measure 16.a.i.:
Widen all internal roadways/driveways to a 20-foot cross section or install turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.

Mitigation Monitoring:

Prior to building permit issuance Fire Services shall review the development plans to ensure that on-site access meets the requirements for width or includes the correct number of turnouts.

- 59. Mitigation Measure 16.a.ii.:
The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Sonoma Mountain Road. To enhance sight distance, Department of Transportation and Public Works recommends the removal of vegetation and select eucalyptus trees located along the edge of pavement west of the existing driveway.

Obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance program shall be developed subject to approval of the Sonoma County Department of Transportation and Public Works to ensure that the sight distance is maintained.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide documentation that an agreement with Sonoma County Transportation and Public Works for vegetation removal and maintenance of that vegetation has been entered into. Annually, the project planner and/or Public Works staff will verify that the work has been completed and results in a minimum sight distance of 445 feet to the east and 385 feet to the west.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

- 60. 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.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

61. This Use Permit is for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional event per year. See the details of the events below. Only one event may be a wedding, which can only be held during the summer months (June to September). The nine authorized promotional events must promote and market agricultural products grown or processed in the County and be secondary and incidental to agricultural production. Hours of operation for winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional event must end by 9:30 p.m. with all clean up completed by 10:00 p.m. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0016. The site is a 55-acre parcel located easterly of the intersection of Pressley Road and Sonoma Mountain Road.

Phasing of the project is as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added for the creamery and 530 square feet will be added to the milking shed.
2. The existing Legal Non-Conforming 2,490 square foot residence will be demolished. A new 4,270 square foot residence for the owner which will include the tasting/hospitality, commercial kitchen, and administrative space on the ground floor will be constructed. The existing Primary Dwelling will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant prior to issuance of the building permit for the new primary dwelling.
3. Prior to issuance of the building permit for the new primary residence demolish the 1,780 square foot garage with second story residence.

Employees in Phase I: Four Full-time and two part-time during non-harvest increasing to six full-time during harvest and bottling, not including agricultural workers.

Phase II: (Start Time: 3 to 4 years from approval)

1. The new 8,300 square foot winery building will be constructed adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit and covenant must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn, for the creamery.

Employees in Phase II: Five full-time and four part-time during non-harvest increasing to seven full-time during harvest and bottling, not including agricultural workers.

Events

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

62. The facility shall not be rented out to third parties for events
63. The days and hours for Agricultural Promotional 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 Agricultural Promotional 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.
64. All events shall be coordinated with the Sonoma Mountain Zen Center so that events are not scheduled on the same dates.
65. Mitigation 12.a.ii.
 Agricultural Promotional events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan. All events shall end by 9:30 p.m. so that guests can leave the site by 10:00 p.m.
- Mitigation Monitoring:
 Any complaints about events outside the hours established by the Noise Element of the General Plan shall be investigated and if events are held or allowed to continue outside the allowed hours of operation then enforcement actions may be undertaken up to and including potential revocation.
66. Currently there are one primary and two legal non-conforming dwelling units on-site. Prior to issuance of a building permit for any building containing dwelling units applications to designate each dwelling on site as a qualifying type of unit that complies with both the Zoning designation and the Williamson Act contract shall be submitted and receive approval.
67. This Use Permit (PLP12-0016) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
68. 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.
69. 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.

70. 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, 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.
71. Condition Compliance Fee. Prior to commencement of event activities, the owner/operator shall submit a Condition Compliance Review fee deposit sufficient to cover the review of event activities as described above.
72. At the time of submitting a building permit application, the applicant shall submit to PRMD 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 inspection being granted.
73. 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.
74. 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.
75. Mitigation Measure 5.b.
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."

Mitigation Monitoring: 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.

76. Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).
77. The applicant shall maintain a minimum of 96 parking spaces on-site to serve the agricultural processing facility, tasting room, and events. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein. No parking on Sonoma Mountain Road is allowed.
78. No tour buses are allowed.
79. A sign shall be installed at the end of the driveway that states "Left Turn Only."
80. Construction of new or expanded residential and non-residential development shall be subject to Affordable Housing and Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
81. 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.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

82. Mitigation 7.a.iv.:
Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code).

Mitigation Monitoring:

Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.

<http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>

83. Mitigation 1.c.i:
Prior to issuance of building permits the applicant shall submit the building and landscaping plans for final Design Review.

Mitigation Monitoring:

The Design Review Committee will ensure that the buildings are appropriately sited and screened from view from public roadways and adjoining properties in conformance with the Bennett Valley

Design guidelines. Building and grading permits shall not be issued until they have been approved by the Design Review Committee.

84. Mitigation 1.c.ii.:

Additional trees and shrubs shall be planted along Sonoma Mountain Road to more completely screen the new winery building from the road. Additional orchard trees should be located on the north side of the new winery building, the existing dance hall, and along that area to the west to provide screening and breakup the northerly façade of the new winery and dwelling/tasting facility. The roadside plantings shall be reviewed by the transportation consultant Whitlock & Weinberger to ensure that sight distances at the driveway are not impaired by the new vegetation.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide the project planner with a detailed landscaping plan showing the location, type, irrigation lines, and sizes of all new landscaping and orchard plantings. These plans must be approved by the planner, the transportation consultant, and the Design Review Committee.

85. Mitigation 1.d.:

Prior to issuance of the Building Permit, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded, and directed downward to prevent "wash out" onto adjacent properties. 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 until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit 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 require the property be brought into compliance or initiate procedures to revoke the permit. (Ongoing)

86. Mitigation Measure 3.c.:

The following dust control measures will be included in the project:

- A. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as directed by the County.
- 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:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff 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 for dust control measures to be implemented during construction. 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 additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

87. Mitigation 3.e.:

Disposal of pomace and other waste products from processing of agricultural materials 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. Agricultural waste products 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. Agricultural waste products shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
- c. Agricultural waste products shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the waste to be used by the County's composting program.

Agricultural waste products shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities a) through c) above have been exhausted. In all cases, care shall be taken to prevent contamination by petroleum products, heavy metals, pesticides or any other material that renders the material unsuitable for composting with subsequent land application. Land application, placement of waste into a composting facility or disposal shall occur within two weeks of the end of processing.

Mitigation Monitoring:

If PRMD 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.

88. Mitigation 4.a.i.:

Prior to reconstruction of the barn, the applicant shall hire a qualified bat and bird specialist to conduct a pre-demolition survey during the time when bats or barn owls would be expected to be present and active (i.e., early April) to determine the presence of roosting bats or nesting owls. If no evidence exists that either bats are roosting or owls are nesting in the barn, then no further mitigation is required.

Mitigation Monitoring:

Prior to issuance of demolition/reconstruction permits for the barn a copy of the study shall be provided to the project planner.

89. Mitigation 4.a.ii.:

If roosting bats or nesting owls are determined to be present, the applicant shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to the barn, to the extent feasible. Based on recommendations from a bat and bird specialist, appropriate exclusion devices shall be installed to prevent roosting bats and nesting owls from being in the facility when demolition and reconstruction occurs. The replacement roosting facility shall be monitored weekly during the first month after installation and then once every three months until activities are completed to document bat utilization.

Mitigation Monitoring:

Prior to issuance of permits for demolition/reconstruction for the barn the applicant's consultant shall provide documentation that the replacement roosting facilities have been installed along with the exclusion devices to prevent bats and owls from reoccupying the barn. Monitoring reports shall be submitted to the project review planner as they are prepared.

90. Mitigation 4.a.iii.:

A riparian (streamside conservation area) line shall be established 30-feet from the top of the bank of drainage on the easterly side of the construction area. "NOTE ON PLANS": Structures, equipment, roads, utility lines, parking lots, lawns, agricultural uses (planting, grazing, etc.), grading, fill, and excavation shall be prohibited in this conservation area.

Mitigation Monitoring:

The setback line shall be shown on the plans and prohibits activities within the creek setback.

91. Mitigation 7.a.i.:

All new buildings shall be constructed in conformance with CalGreen at the Tier 1 level of compliance. These standards apply to both new residential and non-residential construction excepting remodels and additions, and result in buildings that are more energy efficient and reduce GHG emissions.

Mitigation Monitoring:

CalGreen + Tier 1 compliance became mandatory in Sonoma County when it was adopted and approved by the Board of Supervisors and California Energy Commission; the ordinance effective date was January 1, 2011. Building permits will not be approved without compliance with this ordinance.

92. Mitigation 7.a.ii.:

The applicant shall install solar panels on the new winery buildings or ground mounted panels to provide a part of the energy which will be required for the proposed uses.

Mitigation Monitoring:

The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the applicant has carried out the installation of the solar panels to the project planner.

93. Mitigation 7.a.iii.:

The applicant shall prepare an idle time reduction plan to reduce the time that trucks making deliveries or picking up products or grapes spend with engines idling. For diesel engines idle times shall be no longer than 5 minutes.

Mitigation Monitoring:

The idle time reduction plan shall be submitted to the project planner who will verify that it meets the minimum standards established by State of California's Commercial Vehicle Idling Regulations.

94. Mitigation 8.a.:

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:

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. The applicant shall be

responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

95. 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 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.
96. 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.
97. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
98. 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.
99. 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 and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
 - a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting, Agricultural Promotional event, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with Agricultural Promotional event, wine club meals and winemaker dinners. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.
 - c. Retail sales of pre-prepared 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-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) 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.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.

100. 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.
101. 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.

102. 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.

103. This Use Permit is approved for phased project development:

Phase I:

Phase I shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the granting of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase I may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Phase II:

Phase II is not automatically vested with Phase I. Phase II shall be vested by obtaining the necessary permits and starting construction within two (2) years from the date of occupancy and operation of Phase I of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit for Phase II shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase II may be granted 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 # PLPrZ-0016

Appeal is hereby made by: Don + Donna Parker + Amy Rodney + Byron LaGoy
Please Print

Mailing Address: Parkerns - 5412 Sonoma Mtn. Rd., Santa Rosa, CA 95404

Rodney + LaGoy - 5400 Sonoma Mtn. Rd., Santa Rosa, CA 95404

Phone: Parkerns - 707-~~528-9484~~ 571-0400 Parkerns - donna@winepro.com
Rodney/LaGoy - 707-528-9484 Email: Rodney/LaGoy - blagoy@sonic.net

The Sonoma County Planning Commission / Board of Zoning Adjustments (circle one) on

March 13, 2014, approved denied (circle one) a request by

Nathan Belden for Use Permit +

Design Review ... See attached Project Description / Draft Conditions of Approval

located at: 5561 Sonoma Mtn. Rd., Santa Rosa, CA 95404

APN 049-030-010 Zoned LIA B640/40 Supervisorial District 1

This appeal is made pursuant to Sonoma County Code Chapter 26 Section 26-92-160 for the following specific reasons:

Water availability, road safety, road condition, road wear, traffic volume, inappropriate location for project, and all objections voiced in attached documents.

Date: 3/24/2014 Appellant: Byron LaGoy + Don Parker
Amy Rodney + Donna Parker
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 24th day of March, 2014, receipt of which is hereby acknowledged.

Scott J. Hunsperger
PRMD Staff

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-1103

CMuller S:\Handouts\PJR\PJR-021 Planning Commission 87A Appeal Form.wpd 02/17/14

EXHIBIT B

Draft Conditions of Approval

Date: March 13, 2014 File No.: PLP12-0016
Applicant: Nathan Belden APN: 049-030-010
Address: 5561 Sonoma Mountain Road, Santa Rosa

Project Description: a Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, including retail sales and tasting of wine and cheese and other farmstead products by appointment only, and 10 Agricultural Promotional events on a 55 +/- acre parcel.

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 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:

The conditions below have been satisfied BY _____ DATE _____

- 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 construction company shall post a sign that includes the 24-hour a day/7-day a week 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.
5. Mitigation 6.a.ii.1. All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the 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 construction activities shall meet the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). Construction plans shall be subject to review and approval of PRMD prior to the issuance of a building permit. All work shall be subject to inspection by PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Mitigation Monitoring:

Also Opposing Beldens' Proposal **PLP12-0016**

1. Michael Guest and Alexander Nevarez, 255 Sonoma Ridge Rd., Santa Rosa, CA
2. Bill McNearney and Gail Eva Young, 5350 Sonoma Mtn. Rd., Santa Rosa, CA
3. Woody and Judy Witwicki, 5370 Sonoma Mtn. Rd., Santa Rosa, CA
4. Sandra Macneill and Claire Arnesen, 4320 Sonoma Mtn. Rd., Santa Rosa, CA
5. Nicholas van Krijdt, Judith Ann Corba, Bill Washburn, 240 Sonoma Ridge Rd., Santa Rosa, CA
6. James and Rebecca Casciani, 5800 Sonoma Mtn. Rd., Santa Rosa, CA
7. Robert and Edie Phillips, ~~6640~~⁶⁵⁴¹ Sonoma Mtn. Rd., Santa Rosa, CA
8. Scott McIntosh, 6607 Sonoma Mtn. Rd., Santa Rosa, CA
9. Toby and Sally Rosenblatt, 6465 Sonoma Mountain Rd., Santa Rosa, CA
10. Victor and Peggy Colli, 5030 Sonoma Mtn. Rd., Santa Rosa, CA
11. Ken and Karen Adelson, 6640 Sonoma Mtn. Rd., Santa Rosa, CA
12. Dan Viele, 145 Mountain Meadow Ln., Santa Rosa, CA
13. Tamara Boulton, 4740 Pressley, Santa Rosa, CA
14. Sydney Walker, 5180 Sonoma Mtn. Rd., Santa Rosa, CA
15. Kirsten Cutler, 5650 Sonoma Mtn. Rd., Santa Rosa, CA
16. Bonnie Kreger, 8800 Bennett Valley Rd., Santa Rosa, CA
17. Hilary Burton, 5700 Sonoma Mtn. Rd., Santa Rosa, CA
18. Mary Dowdall, 6573 Birch Drive (Bennett Valley), Santa Rosa, CA
19. Joan Maroni, 4363 La Granda, Santa Rosa, CA
20. Michael and Helen Bates, 6471 Sonoma Mtn. Rd., Santa Rosa, CA

Attachment -3/Baultbee

March 10, 2014

To: Melinda Grosch, Sonoma County PRMD and
Sonoma County Board of Zoning Adjustments Commissioners

RE: PLP12-0016

Dear Melinda and Commissioners,

I am concerned that this requested project is much too much for the isolated area in which it is proposed and is potentially precedent setting. This project does not appear to meet the letter or intent of the Bennett Valley Area Plan. The proposed size and usage and the attendant impacts are detrimental to the rural expectations of area residents. The Bennett Valley Area Plan, which is the governing document for this area, calls for retention and preservation of the rural character and it reflects the environmental and economic constraints, suitabilities and sensitivities of the area. Our Scenic Corridor was/is parcel-specific, unlike the General Plan's.

This parcel has been, over the years, maintained in agriculture that has blended harmoniously with the neighboring residents. This proposal seems to be much more of a commercial venture

The increased traffic this project would bring has been raised as a grave concern. I concur. However, given that the traffic study which was submitted for this project is incredibly flawed, I think that it is inadmissible and needs to be completely redone. The basic premise on which the study was based is grossly wrong.

First of all, the study poses that the prima facie speed limit is 55 mph because there is no posted speed limit. However, within the staff packet is a picture clearly showing that the posted speed limit is 20 mph. Because of this error, the study was based upon 40 mph for analysis purposes--a completely erroneous assumption, inaccurate at best. Additionally, CT-4e states that the AASHTO document (here used) is to be used as a guide BUT "where these guidelines conflict with adopted design guidelines for a local community . . . or with rural or community character, utilize the flexibility provisions in the AASHTO guidelines to avoid these conflicts . . ." (The suggestion for lengthy clearance alongside SMR would be contrary to the Plan's requirement for preservation of the scenic quality of the roadways and apparently AASHTO's.)

Second, the report says that Sonoma Mountain Road is classified as a Rural Minor Collector in the Sonoma County General Plan 2020. This is completely INCORRECT. Sonoma Mountain Road, Pressley Road and Enterprise Road have always been classified as rural byways (per the Bennett Valley Plan and under the new terminology, local rural roads) and do not show up on the county transportation maps as collectors. Only two (2) roads within Bennett Valley are classified as Collectors and they are Bennett Valley Road and Grange/Crane Canyon Roads. (In the Bennett Valley Plan, Petaluma Hill Road was also classified as a Collector.)

Third, the study was so narrowly focused that it did not take into consideration any impacts on the roads that provide ingress and egress to this very isolated location--e.g., Pressley Road, Upper Sonoma Mountain Road, Enterprise Road and Lower Sonoma Mountain Road. GPS mapping sends traffic from Napa and the far East Bay through Sonoma and onto Upper Sonoma Mountain Road to this site. From the south, including San Francisco, Oakland and San Jose the route is via Pressley Road. From the north or west, traffic is sent via Lower Sonoma Mountain Rd. The narrow focus of the traffic

study conveniently avoids the significant negative impact on neighboring roads leading to the site. This very limited study skews the collision/accident history too, making it look innocuous and is nowhere reflective of the impact even a few additional vehicles (let alone all the ones proposed) would have on the quality of life, the roadways themselves and the safety of the residents (not to mention wildlife). Additionally, it would seem that obtaining accident information from the Highway Patrol would provide a better reflection of information on local roads rather than referencing Caltrans' Collision Data on State Highways. Therefore, the traffic study is so flawed, inaccurate and so limited in scope that it should not be used to assess traffic impacts. All roadways leading to the project site should have been studied and included in the impact report. And the information on which these analyses were based should have been accurate. *[see next page]

In addition to these egregious errors, there appears to be no reflection of the trucking into and out of the area due to the proposed cheese making or farm produce "sale." In Mr. Boudreau's letter, he notes that most milk will be brought in (and since there are no longer any dairies close by, one would have to assume that the supply would be coming from a distance.) Also, as Mr. Boudreau noted, there is a very limited area for cows or sheep grazing (2 and 10 respectively) so it's obvious that the milk will primarily come from off-site. Truck traffic is very hard on roads that were never designed to handle truck traffic and because of the extremely curvy and steep inclines, the noise level can easily exceed that which is expected in a rural environment. **[see next page]

I respectfully remind you that the Bennett Valley Plan states that "the character of the road system is a vital component of the rural character of Bennett Valley. The character of the existing public road system shall be retained . . ." "Intensity of land use shall reflect the conditions, character and capacity of roads." "The scenic quality of all transportation routes within Bennett Valley is a vital component of the rural character, and shall be protected."

The General Plan refers numerous times to the diverse rural character of So. Co, the unique qualities of various areas and the requirement that where there are Area Plans or Local Area Development Guidelines, those guidelines take precedence over countywide rural character design guidelines. Also in cases of conflict, the more restrictive policy or standard should apply. (e.g. General Plan 2.6, GP Policy LU-1a, CT-4i.) Rural character compatibility is also brought up in Ag Element 2.5.

Additionally, other areas within the General Plan could use stronger emphasis. Policy OSRC-6a includes "Paved areas are minimized and allow for informal parking areas. . . Exterior lighting and signage is minimized." While this general topic is covered in the report, the size of the area included here raises concern that even minimized could be intrusive and problematic. Parking: The large amount of surface that is proposed to be given over to new and additional roadways as well as parking creates a concern over the impact on the recharge capability of the land in an already identified marginal water availability area. At minimum, areas for general, event or owner/employee parking should be either gravel OR a pervious blacktop type surface so that the water table recharge can continue without too much diminishment. (Chip seal is impervious) Also the suggested widening of the interior roadways seems to be unwarranted even according to the text of the traffic report. Solar while great, should be located on rooftops so as not to impede the recharge capability of the land.

Percolation: In talking to a previous owner, he noted that they had had great difficulty getting perc for even one house, let alone a larger one and even more structures. Why was the difficulty of percolation not identified – the usage proposed is tremendously greater than what has historically been identified on this site? Anything that cannot be taken care of on-site would have to be trucked out, adding even further to the traffic problem

*Per AASHTO Road classifications. Definitions: Local Roads serve individual homes, farms and businesses and feed into the collector network. . . . In all classifications road width is flexible, and can be modified to suit local conditions, where necessary.” Rural Local Road: For roads with design speeds of less than 40 mph and volumes under 400 vehicles per day, the standard road width is 22 ft., with the exception of steep or hilly terrain, where the width may be reduced. Policy CT-4j – “. . . Local Roads as routes that are intended to provide access to property and to carry LOCAL traffic to Collector Roads. . . . “

**Traffic study – breakdown of trips does not appear to include the number of truck trips involved in bringing in milk for cheese production, silage for animals, or truck traffic necessary to remove any sewage/waste that cannot be accommodated on-site. Nor does it reasonably recognize the number of auto trips for public tastings.

Objective AR-5.3: Ensure that agriculture-related support uses allowed on agricultural lands are only allowed when demonstrated to be necessary for and proportional to agricultural production on site or in the local area.” (Even when recently planted grapes mature, total amount of cases from onsite wouldn’t even be half the total capacity of requested winery size. In addition the amount of cheese production would be mostly produced from material brought in from off-site) This doesn’t appear to meet the above Objective.

As for the staff report/attachments, I have great concern that the Bennett Valley Area Plan was seldom referenced in the documents when it is the definitive document on this case. Examples are statements within the staff report as well as a letter from Mr. Martin that incorrectly state what the Bennett Valley Plan calls for or allows. For instance, Staff report pg. 7. “ The applicant has provided reasons that he feels the proposal is consistent with the exceptions allowed in the Bennett Valley Design Guidelines for the placement of structures in the Visual Corridor. The primary reason is the area outside the Visual Corridor designation is geologically unstable due to an historic landslide. “ This is not an exception given in the BV Design Guidelines. (And interestingly enough, a prior long time owner wasn’t aware of the landslide.) Nor does the staff report provide rationale that “the proposed development is consistent with the standard Scenic Corridor setback (which should not apply here) . . . and is consistent with . . . other setback criteria established by the Land Intensive Agriculture zoning designation.” This seems irrelevant since it is incompatible with the setback criteria in the Bennett Valley Area Plan and its intent.

As for Mr. Martin’s rationale, it appears that he does not understand the Bennett Valley Plan or its intent and usage over the many years it has been in place.

1. While it is admirable that a proposed new structure (agricultural and very large) would, in his opinion, not be seen from the roadway or neighboring properties, he is missing the most important part which relates to the requirement of building outside the visual/scenic corridor.

2. The cluster development clause was related to future parcel development and primarily aimed at the implementation of the PA table.

3. This has nothing to do with justifying building within the designated scenic/visual corridor.

4. Rural character is much more than agricultural buildings.

5. The "open vista" was conceivably not there at the time of the Plan's adoption. An open vista could be created by tree removal . . . and as such has no bearing on the sanctity of the scenic/visual corridor designation. One needs to go by the wording of the Plan regarding the Scenic/Visual Corridor and what is or is not permitted in the mapped area..

6. Again, regardless of the proposal and whether a new structure could be or not be seen from a public roadway now, the proposal is well within the adopted, designated Scenic/Visual Corridor - and, in fact, it is much closer to the roadway (consequently even more within the visual corridor) than the existing structures which are there because were grandfathered in as pre-existing (to the Plan) structures.

To be exact - The Bennett Valley Plan reads: . . . minimum setbacks shall be consistent with the So. Co. Subdivision Ordinance, the general Plan or the Bennett Valley Plan, whichever is more restrictive. "No NEW structures shall be sited within visual corridors, riparian corridors or unique biotic resource areas as designated on the Critical Open Space Map of the Bennett Valley Plan, except in the visual corridor where the ENTIRE parcel is included within such designation or except in the visual corridor where said structure is a fence or agricultural appurtenance. Where the entire parcel is included in a visual corridor area, or where said structure is an agricultural appurtenance greater than 200 sq. ft., the BV/NSMDRCommittee shall condition the approval of such structure(s) to mitigate adverse effects to the open space resource"

In this case, it would appear that the winery building would qualify for an exemption AS LONG AS adverse effects to the open space were mitigated. HISTORICALLY, such mitigations meant locating the structures at the back of the parcels -an area farthest away from the road. A very good historical example would be along the straight stretch of Bennett Valley Road between west of Grange and Sonoma Mountain Road. (In Mr. Belden's case, he's moving further INTO the scenic/visual corridor which would be contrary to the intent of the BV Plan.)

As a point of clarification, I spoke with a very senior planner a number of years ago about the parameters of building outside the specified Scenic/Visual corridor to ascertain how it would be applied. I was told that if the parcel was totally within the Scenic/Visual Corridor and undeveloped, the law says that you cannot make a parcel unbuildable. However, once a single-family dwelling was allowed, no further buildings need be permitted, regardless of how many buildings one would want to put on a parcel. If there was any part of the parcel NOT in the scenic/visual corridor, the only building location would be OUTSIDE the scenic/visual corridor as mapped on the Bennett Valley Plan maps.

Note: a number of years ago the Board of Supervisors heard an appeal of a county decision denying building within the visual corridor (a non-agricultural structure) and they also denied the appeal. The statement was made by the then Supervisor that the Plan was very clear that there would be no building within the designated corridor. (This parcel was not completely within the scenic visual corridor.)

Some additional issues:

Size of structures: The increase in the amount of square footage being proposed is quite sizeable. Where before we had ample room for the owner and family plus workers, we are now being confronted with an operation that will increase by 12,175 sf of structures, not including added ag. housing. Where before we had a small amount of parking (hence little additional impervious surfaces) we now have an additional large driveway with another large turn around as well as many more parking spaces for all the hired help and visitors PLUS a huge parking lot for special events.

Wildlife: Attention needs to be given to additional wildlife protection and especially to the large avians of which Dave Steiner used to speak – the golden eagles that inhabited this area.

Retail Sales and Special Events: With all the items that the proposal is “covering” it sounds more like a commercial venture under the cloak of agriculture . . . wine, cheese, fruit, vegetables, eggs, etc. – sounds almost like a mini-mart. Retail Sales and Special Events are a slippery slope and tend to be the most problematic when it comes to traffic concerns and abuses.

Color of buildings: They need to meet the requirements of blending into the natural surroundings to the maximum extent, not matching the existing buildings.

Smoking: Because of the high fire danger in the area, this facility should be a “no smoking” facility – not a place with ash receptacles outside.

Appointment only?: What would be the restrictions? Number of persons and cars per appointment? Total number of people and cars per hour or day?

Text of the Original Bennett Valley Plan: Due to the reduced text and thus reduced explanations and background info from the original Plan, the opening page of the downsized version specifically states that a copy of the original, complete text will be kept on file at the County and should be used as a reference should any questions arise or clarification be needed.

In conclusion, because this location is geographically isolated, you really can't import extra traffic and not expect to have a significant impact on the rural, scenic, quiet quality of the area. A lot of added traffic, especially truck traffic, is a bane to the way of life in this area. In the past the Steiner Vineyards did not create a good deal of traffic with the only “extra” traffic being during harvest. FYI, there have been for many, many years two (2) other wineries within the Bennett Valley area – Laurel Glen (on upper Sonoma Mtn. Rd. and Coturri (on Enterprise Rd.). Neither of them has had tastings or regular special events. Both are and have been profitable. This proposal, by comparison to them, is like night verses day. It's simply too much for the area to contain and is like trying to fit a square peg into a round hole. The infrastructure is just not here. Nor does the proposal meet with the intent of the Plan that has governed and protected this area for over 30 years. Perhaps in a location which is on a Collector or Arterial Road and in a flat location, this proposal would find acceptance and meet the criteria governing that local area. Here it just does not fit.

Thank You.

Sincerely,
Tamara Boulton

Attachment - 4 / Parker

From: Donna Parker <Donna@winepro.com>
Subject: Fwd: Fwd: Letter to Melinda Grosch and Board of Zoning Adjustments
Date: February 26, 2014 4:01:41 PM PST
To: Byron LaGoy <blagoy@sonic.net>

----- Original Message -----

Subject: Fwd: Letter to Melinda Grosch and Board of Zoning Adjustments
Date: Wed, 26 Feb 2014 16:01:02 -0800
From: Donna Parker <Donna@winepro.com>
To: Melinda.grosch@sonoma-county.org, Susan.gorin@sonoma-county.org
CC: David.Rabbitt@sonoma-county.org, Shirlee.Zane@sonoma-county.org, "- MikeMcguire"@sonoma-county.org, Efren.Carrillo@sonoma-county.org

Melinda:

Please distribute copies of this letter to the Commissioners of the Board of Zoning Adjustments. Thank you.

Re: PLP12-0016, an application by Belden Farms, 5561 Sonoma Mtn. Rd., for a Use Permit

To the attention of First District Supervisor Susan Gorin, Commissioners on the Board of Zoning Adjustments, and Melinda Grosch, Permit and Resource Management staff:

Some of us have written to you before. To the extent that we are writing again, it is for the purpose of addressing additional information reviewed or received since we last wrote.

We have found the W-Trans traffic study, commissioned by the Beldens in support of their application for a Use Permit to be flawed in several respects, beginning with the assertion that the Beldens' proposal will result in little new traffic to a little used road:

1. The W-Trans traffic study focuses only on the 1.5 mile section of Sonoma Mountain Road between Pressley Road and the entrance to Belden Farms, and was limited to addressing "trip generation of the proposed project as well as adequacy of the parking supply."
2. The study notes that Sonoma Mountain Road "in the vicinity of the project site" is "narrow, approximately 20 feet wide, . . . with no center line or edge line stripping." The study fails to note that the road is about at its widest right in front of the project site. The road to the west of the Belden's driveway, down to Pressley, is typically 15-17 feet wide. We frequently observe that when two SUV size vehicles pass each other going in opposite directions, one pulls to the side of the road and stops, or slows to a crawl, leaving perhaps a foot of clearance between the two vehicles as they pass.
3. The W-Trans report does not address the road to the east of the Belden property at all, where the road narrows to as little as 9 feet in width at Cooper's Grove, less than half a mile from the Belden's driveway. Anyone familiar with wine tasting in this area of Sonoma County knows that, other than Matanzas on Bennett Valley Road, the next wineries are all in Kenwood, Glen Ellen and Sonoma. There is as much chance of wine-tasters coming from one direction on Sonoma Mountain Road as the other. The W-Trans report only deals with traffic to the east of the Beldens' driveway in terms of safety for drivers coming from the east with the intention of turning into the property as a destination.
4. The W-Trans report does not anywhere address the condition of Sonoma Mountain Road, and the impact on that condition from the increase in traffic in the Beldens' proposal. Nowhere does it say that Sonoma Mountain Rd. is the second worst road in the county. Nowhere does it say who will be responsible for fixing the road in response to further deterioration as a consequence of additional traffic. Nowhere does it address the cumulative effect of traffic from the new Open Space trailhead approximately half a mile west of the Belden's driveway and that created by Beldens' proposal if

granted the Use Permit they seek.

Though Commissioner Cook remarked at the 12/19/2013 hearing that we need not worry about the granting of a Use Permit to the Beldens creating a precedent, because the Board considers the cumulative impact of each new application, the W-Trans traffic study, dated August 19, 2013, on which the Board is relying, nowhere addresses the combined impact of traffic on Sonoma Mountain Rd. resulting from the Beldens' project and the already approved Open Space project.

The W-Trans traffic study estimates 360 week day uses by cars going one way or the other on Sonoma Mountain Rd. over the 1.5 miles between the Belden's driveway and Pressley Rd. The figure drops to 340 uses a day on weekends. The Open Space project estimates a low of 42 uses a day during the week, and 60 a day on the weekend, or an increase in traffic on Sonoma Mountain Rd. of 12-18% a day. The W-Trans traffic study conducted on behalf of the Beldens estimates a daily increase in traffic on Sonoma Mountain of 71 single uses, whether coming to or leaving the Belden property, an increase in traffic of approximately 20% a day. The cumulative impact on Sonoma Mountain Rd. is a daily increase in traffic between the two projects of 32-38%! This increase does not distinguish between automobile and the more damaging construction truck traffic. Nor do these figures reflect the increase in traffic for the 10, 60-200 person special events a year in the Belden proposal, where vehicles carrying 2.5 persons each are estimated to make approximately 180 trips between coming and going for a 200 person event. The cumulative impact on one of the two worst roads in the county cannot by any stretch of imagination be considered "insignificant". The 12-18% increase in traffic to the Open Space trailhead in itself constitutes a significantly increased impact on the condition of Sonoma Mountain Rd.

More personally, in his letter of December 18, 2013 to Supervisor Gorin and the Permit Dept., one of our neighbors reports that he spent a recent Saturday counting 42 cars, 6 light trucks, and 7 groups of cyclists passing his property, across the street from the Beldens, in an hour.

5. With regard to safety, the W-Trans traffic study again only looks at the accident rate between Pressly and the Belden property (1.5 miles). No attention is given to traffic coming from the east of their property. Moreover, the study relies on a survey that was conducted between January, 2006, and December, 2010. **Sonoma Mountain Road was closed to through traffic just east of the Zen Center from December, 2005 through May, 2009, because rains had washed out the road.** All of us who live on Sonoma Mountain Rd. are keenly aware of how much safer we felt walking and driving on our road as a result of the reduced traffic during those years. Furthermore, the fact that it took 3 1/2 years to repair the collapsed road says something significant about the likelihood of substantial repairs at any time for Sonoma Mountain Rd.

And how can a report on traffic safety neglect to even mention the impact of alcohol consumption on driving? Google the impact of alcohol consumption on driver safety and extensive research on the impairment of driving skills appears. A typical report identifies affected faculties: Judgment (with as little as .02 alcohol); concentration, coordination, comprehension, visual acuity impaired up to 32%; impaired ability to judge distance; reaction time up to 15 to 25% slower resulting in accidents that would have been avoided without the factor of alcohol. Add alcohol to the character of Sonoma Mountain Rd. - more than a narrow road, it is winding, with blind curves, drop-offs, in terrible condition, with little to no prospects for significant improvement in the foreseeable future - and the question looms: How can a traffic report on a tasting room and winery project ignore these realities? More traffic means more accidents; more alcohol means fewer "near misses" and more accidents. The brief reference to traffic accidents in the W-Trans traffic study reveals an understandable ignorance of the many close brushes that many of us have had with traffic on Sonoma Mountain Rd.

Referring again to our neighbor's letter of December 18th, he suggests that there is a "shameful" concern in the Beldens' documentation only for the safety of those who are visiting Belden Farms - not for those of us who live here, and not for those who regularly use the road for a range of purposes. There is no discussion in the Belden report of how to mitigate the impact on safety for the rest of us posed by production trucks, wedding parties, retail customers, dining event guests, and wine-tasters driving the full stretch of Sonoma Mountain Rd. to the Beldens' facility - the same road the rest of us travel to access our homes. Without a full investigation of these factors, and absent any mitigation of their impact on neighboring residents, we have to agree with our neighbor's conclusion, that granting the Beldens the Use Permit they seek represents a serious failure in government oversight and protection.

6. Though Sonoma Mountain Rd. is a scenic by-way, the W-Trans report does not at all consider the many bicycle riders and walkers who use the road.

The Bennett Valley Plan, about which Commissioner Fogg asked for more information at the 12/19/2013 hearing,

says: "The character of the road system is a vital component of (the) rural character of Bennett Valley" and "Intensity of land use shall reflect the conditions, character and capacity of roads." The Bennett Valley plan also says, "Commercial development is not considered appropriate to the rural character of Bennett Valley." While construction of a winery and tasting room are not considered "commercial development" in an area designated by the county for residential and intensive agricultural purposes, those constructions are nonetheless a "for profit" use that compromises the rural nature of Bennett Valley in ways at odds with the intent of the Bennett Valley plan, creating in effect an "intensity of land use" that is significant in its damage to the "character and capacity of roads" that are "a vital component of (the) rural character of Bennett Valley". The Beldens' proposal is fundamentally at odds with the residential and intensive agricultural designation of Bennett Valley in general, and Sonoma Mountain Rd. in particular. There are currently no active "for profit" operations on Sonoma Mountain Rd. No tasting rooms, no weddings (a non-agricultural activity), no party events. There is no reason to think that the noise created by these various events will not be at odds with the designated residential nature on Sonoma Mountain Rd. The changes proposed for the Zen Center, we have been assured, have to do with bringing buildings up to code, not to changing the events nature of its long-approved operations. A tasting and sales facility such as the Beldens propose would seem to be more logically suited to the downtown area, or one of the many wine tasting corridors that pervade Sonoma County. This opinion is endorsed by Sonoma Mountain residents actively involved in the wine industry for many years.

These matters were not considered in the Beldens' traffic study; and it is our understanding that the since the December 19th hearing there has been no effort made, nor is there any intention of requiring the Dept. of Transportation and Public Works, to make an independent assessment of the impact of additional traffic on the condition and safety of Sonoma Mountain Rd. An assessment that would take into consideration the impact of alcohol use on drivers, the cumulative effect of other projects in the area of the Beldens, the condition of the road, the character of the road and intention of the Bennett Valley Plan. If the Department of Transportation has truly not been asked to do such an assessment, then there is insufficient data on which to grant the Use Permit requested by the Beldens.

One Commissioner noted that the Board strongly relies on experts. Why then is the Board not asking its own experts to assist in gathering information that is vital to a consideration of whether the Beldens should or should not be granted the Use Permit they have applied for?

Commissioner Cook made a comment during the 12/19/2013 hearing to the effect that the Beldens should not suffer because of the condition of the road. That is backwards thinking. This is not about the Beldens. They are nice people with a dream. This is about whether or not they have chosen an appropriate place to realize that dream, and the evidence strongly suggests Sonoma Mountain Rd. is not a suitable place for their dream as it is currently conceived.

This matter deserves to be thoroughly and accurately researched rather than decided on the basis of incomplete and inaccurate information. That has not occurred to this point. We ask that you give this matter the attention it deserves. Thank you.

Some of the Sonoma Mountain Road residents concerned with the problems created in granting the Beldens a Use Permit include:

Don and Donna Parker,
Amy Rodney and Byron LaGoy,
Alexander Nevarez and Michael Guest,
Bill McNearney and Gail Eva Young,
David and Judy Witwicki,
Sandra Macneill and Claire Arnesen,
Nicholas van Krijdt,
Judith Ann Corba,
Bill Washburn,
James and Rebecca Casciani,
Robert and Edie Phillips,
Scott McIntosh,
Toby and Sally Rosenblatt,
Victor and Peggy Colli,
Ken and Karen Adelson

Objections to Negative Declaration for Use Permit application PLP12-0016

16 December 2013

Melinda Grosch, Planner
Sonoma County Permit & Resource Management Dept.
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Neighborhood Objections to Staff Report and Negative Declarations for Use Permit application PLP12-0016

We are writing to join our neighbors in strenuously protesting several items in the Staff Report, the Negative Declaration and some of the proposed remediation measures in the Use Permit application PLP12-0016 from Nathan Belden for a new phased agricultural processing facility, including retail sales and special events, at 5561 Sonoma Mountain Road.

Negative Declaration Environmental Checklist item 16 Transportation/Traffic:

The Belden's, their consultants, and the Sonoma County Permit & Resource Management Dept. have failed to acknowledge the condition of the road. As a result, the plan includes no remediation measures to effectively respond to the poor condition of Sonoma Mountain Road beyond an insignificant amount of brush removal near the project entrance. Nothing is included that could remediate the road's inability to safely accept any quantity of additional vehicular traffic and statements to the contrary are plainly false and misleading.

The Sonoma County Department of Transportation and Public Works Pavement Preservation Program report lists Sonoma Mountain Road in the bottom percentile of County-wide roads and describes it this way:

"Pavements have extensive amounts of distress and require major rehabilitation or reconstruction. Pavements in this category significantly affect the speed and flow of traffic. Pavements may need reconstruction, and at worst can be extremely difficult to drive."

A serious deficiency in the Negative Declaration is the absence of commentary by the **Sonoma County Department of Transportation and Public Works**. We and our neighbors want to know why the environmental checklist does not include the negative impact on the road itself and its long term maintenance.

In support of their plans, the Owner obtained the services of Whitlock & Weinberger Transportation, Inc who prepared a traffic study that concluded that the new daily trips would be minimal.

Objections to Negative Declaration for Use Permit application PLP12-0016

We believe their report is inadequate for the following reasons:

1. The methodology used to generate their results appears to be flawed and should be re-visited since it predicts ridiculously low traffic counts for the types of retail and industrial activities proposed.
 - a. The idea that a retail establishment is going to engage in advertising and marketing to attract customers and then turn away those same customers who drive all the way out to their facility and drop in without an appointment stretches credulity.
 - b. It is not logical or possible for events of 60 to 200 visitors to generate so few vehicles. Rarely are automobiles occupied by 2.5 people on average, for example.
 - c. The most objectionable error is the omission of traffic counts for more distant locations along the road. Since there is no other way to or from their destination, Traffic Vehicle Counts must include the much higher volume that turns off at Pressley Road because both Pressley and the lower stretch of Sonoma Mountain Road will be negatively impacted. Enterprise Road is also heavily impacted but appears nowhere in the analysis. It is convenient but misleading for this project's traffic engineers to include only data for vehicles that may pass in front of the property itself.
 - d. The traffic study does not include current traffic data that is readily available from the County Department of Transportation. Current vehicle counts are much higher on average and at peak hours because of the number of seasonal laborers employed at the vineyards and the continual construction work on new homes. Traffic is also high on the weekends because of sight seers since this is one of the most beautiful scenic areas in California.
1. Their traffic report's authors omit observations about the safe capacity of the road and neglect to include pertinent observations about its current condition and prospects for improvement.
 - a. In addition to the obvious pavement condition, sub-standard features include its narrow width; unsafe sight lines over steep grades and around tight corners; and the lack of pavement markings.
 - b. The proposed mitigation to **checklist item 16.d** is particularly insensitive to the actual overall environmental impact since this property's traffic will increase the hazardous conditions at numerous tight corners and

Objections to Negative Declaration for Use Permit application PLP12-0016

steep grade changes from Warm Springs Road all the way to Bennett Valley Road.

- c. Sonoma Mountain Road fails in every category of engineering standard for a public roadway designed to handle commercial and industrial traffic and approval of such a use on a road in this condition is unconscionable. We believe a review by the Sonoma County Department of Transportation and Public Works will confirm our opinion.
2. The consultant also may not be aware that the County does not have the revenue to allow for proper maintenance of this road. My wife and I have seen ditching and brushing maintenance occur only once since we moved here in 1997 and the County has no plans (or funds) to do anything more than minor pot-hole filling in the foreseeable future. There is no mention of this in either the Staff Report or the Negative Declaration.
3. We strongly object to the section of the report on **Collision History**. The number of accidents in the referenced reports is not accurate and the numbers for all types of accidents in the last 3 years since the arbitrary cutoff date selected has gone up dramatically. While our experience is anecdotal, we believe the official reports are not accurate. There are numerous bicycle falls caused by potholes that are not reported. There are also frequent deer collisions that are not reported. As most of those who live here can tell you, walking or biking on the road is dangerous at certain times of day. There are too many vehicles and they generally drive too fast for the poor road conditions. The number of near-misses is also very high.
4. **Checklist item 16.f** omits the impact on bicycle safety except at the site entrance itself. Bicyclist will be negatively affected along the entire length of the road by the increase in vehicle traffic. Bicycle/Vehicle traffic accidents and fatalities in Sonoma County are rising fast partly because of the poor road conditions. They will continue to get worse if projects like this are approved.
5. The traffic consultant's report leaves out any mention of bicycle and pedestrian traffic. Safety for these other uses must be considered but the report only assumes vehicular traffic. **Checklist item 8** of the Environmental Checklist omits the significantly greater hazard imposed on the people who use Sonoma Mountain Road by the traffic this will bring and includes no mitigation measures.
6. The traffic report states that the road is classified as a Rural Minor Collector that it is narrow with no center line or edge line striping. What is missing from that section of the report is the assessment of the County's own Department of

Objections to Negative Declaration for Use Permit application PLP12-0016

Transportation and Public Works assessment of the road as not meeting its own standards and as not worth saving under current budget constraints. The latest plans are to fill pot-holes as money is available but allow the road to continue to deteriorate until it is little more than a severely eroded, pot-holed gravel road.

7. A number of residents have submitted petitions demanding that the road be fixed but we have seen no realistic proposals for funding this expensive work.
8. For obvious reasons, remediation plans do not include road widening or re-paving, nor inclusion of a much needed bike/walking path safely separated from the traffic lanes. This is of particular concern if drivers are inebriated after visiting the proposed wine tasting events. This rural road is often crossed by deer and other wildlife which pose a danger to vehicular traffic.
9. By accepting the traffic report with these serious deficiencies, we believe county staff may have exposed the County of Sonoma to serious legal liability.

Checklist items 18.b (cumulative impacts) & 18.c (human impacts)

1. Neither of these important items is addressed in any way and this project will cause negative effects in the form of further damage to the environment as described elsewhere in this protest letter and will almost certainly have human impacts in the form of injury and possible loss of life to other users of the road.
2. Additional heavy truck traffic will rapidly degrade further the already deteriorated condition of the pavement, and pose a safety hazard to other users of the road. This will also inevitably increase the future cost of road maintenance and repairs to local taxpayers. Further evidence of the road's terrible condition is reflected in having been recently voted one of the worst in the county.
3. There are other environmental impacts that have not been convincingly addressed, such as:
 - a. Depletion and/or pollution of the aquifer is not adequately addressed because the consultant apparently was not required to contact a larger number of local residents, many of whom have had well failures since the increase in agricultural wells in the immediate area.
 - b. The inaccuracies in the noise pollution section are difficult to understand. There are other nearby wine and dairy processing facilities that we tolerate and they employ very (very) noisy machinery. And they are allowed to make quite a racket any time of the day or night. We can probably live with that as a cost of living in a scenic agricultural zone especially since the durations are

Objections to Negative Declaration for Use Permit application PLP12-0016

usually short but we do not understand why the authors have included such unrealistically low decibel numbers in this submittal.

- c. We are concerned about the increase in trash along the road caused by more visitors since the County does not have funds to routinely pick up trash. Currently a group of neighbors volunteer to do this occasionally.

We would like an explanation of the pages in the negative declaration entitled "**Analy Cheer & Dance 2013-2014**" with a roster of names and contact information followed by a handwritten note. Is this one of the proposed uses for the facility?

Promoting the location of industrial and commercial activities in this remote location, as proposed, runs counter to the Board of Supervisor's climate protection efforts. The **Negative Declaration Environmental Checklist Item 7** includes no mention of or remediation of the effects of the resulting multiple long vehicle trips to and from this remote location which will increase air pollution and increase carbon emissions from vehicle exhausts.

The **Negative Declaration Environmental Checklist Item 14, Public Services** includes statements that the project, as proposed will have no affect on police and fire protection. Yet other published County reports from these same departments that are not included or referenced but are publicly available, note that these same departments are under-funded and short-staffed at present with no prospects for increased funding. Virtually the only emergency services on Sonoma Mountain Road are provided by volunteer fire and EMT personnel. In **Checklist item 16.e**, no mention is made that Sonoma Mountain Road itself does not meet the County Fire Safe Standards because of lack of brushing and the inability of fire trucks to safely turn around, for example.

At present, the county lacks the revenue to provide adequate road maintenance, litter removal, brushing and ditching, and Sheriff Patrols are rare. There are sections of the road that are in danger or washing out and, just in the last few years, there have been two major road closures caused by washed out sections, one of which closed a section of the road for several years.

Overhanging tree limbs along most of the road are picturesque but cause large trucks to shy away from the road edges to avoid hits. This has caused a number of accidents and near-misses at locations where sight lines are limited.

It is difficult to imagine how the County of Sonoma PRMD department can support additional commercial traffic on Sonoma Mountain Road without requiring adequate remediation of the impact on the environment and infrastructure. It would seem to amount to "bad planning" on the part of a department whose role is to safeguard the community from just such poor decisions.

Objections to Negative Declaration for Use Permit application PLP12-0016

We do not believe it should be the Owner's responsibility solely to mitigate the problems that have been caused by long term delayed maintenance on our roads because the cost would obviously be prohibitive. But we do believe that the community and our local agencies in our name must not allow this inappropriate land use until the community decides to provide the revenue to fix the road.

We understand that, as employees of the County, the staff is bound by the policies and procedures of the department. We also understand that those policies only require that the applicant research effects on properties within a limited radius of their project and that neighbors are required to be notified only within a limited distance from the project address. We recognize that the Owner and their consultants have used these rules to their own advantage in preventing people who will be negatively affected by this project from participating or even knowing that this has been in the works for quite a while. The Beldens have been misled into believing that they have a good chance of approval and have spent a considerable amount of money on consultants and plans to date. We believe staff may have been negligent in allowing this to proceed to this point.

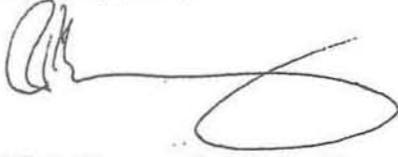
That said, the County Board of Supervisors elected representatives answer to a wider cross-section of the community and we hereby appeal your recommendation to them. We recommend that the Board impose a general moratorium on rural projects that are served by failing infrastructure until such time as the political climate changes in the County and its residents are willing to accept the costs and tax burdens that come with having and maintaining a safe environment and infrastructure.

The Beldens must be encouraged to fulfill their dream a different way that is more harmonious with current limitations. They can certainly use their property under current zoning for agricultural and light processing uses that do not significantly add to the vehicular traffic and take their raw and finished goods to industrial and retail venues that are better served by the available infrastructure. This alternative would constitute good land use planning.

In conclusion, the Staff Report and the Negative Declaration for this project are seriously flawed and have not been properly prepared. Neighbors have not been notified and their comments and those of all affected have been ignored. There are serious technical errors in the staff report and we insist that it be revised to reflect the full impact of this project along with appropriate and reasonable mitigation measures. We do not see any way that a project like this can be approved until the road is properly widened and repaired but will be willing to continue to participate constructively in community discussions. Please contact us at your earliest convenience to discuss.

Objections to Negative Declaration for Use Permit application PLP12-0016

Sincerely yours,



Bill McNearney & Gail Eva Young
5350 Sonoma Mountain Road
Santa Rosa, CA 95404
wtmcnearney@earthlink.net
707-566-8208

cc: Nate and Lauren Belden, 5561 Sonoma Mountain Road 94114, Byron LaGoy and Amy Rodney (blagoy@sonic.net), Don & Donna Parker (Donna@winepro.com), Scott McIntosh (ivyglenn@msn.com), Cathy Sowell (catsowell@vom.com), Mary Neuer Lee (maryneuerlee@gmail.com), Bennett Valley Community Association, Craig Harrison, President, P.O. Box 2666, Santa Rosa, CA 95404, Brian Mutert (BMutert@Stratagem.com), Sandra Macneill (smacneill1@aol.com), Claire Arneson (caaom@aol.com), Victor Colli (vcolli@sbcglobal.net), Supervisor David Rabbitt (David.Rabbitt@sonoma-county.org), Supervisor Shirlee Zane (Shirlee.Zane@sonoma-county.org), Supervisor Mike McGuire (MikeMcguire@sonoma-county.org), Supervisor Efren Carrillo (Efren.Carrillo@sonoma-county.org), Susan Gorin (susan.Gorin@sonoma-county.org)

Resolution Number 14-005

County of Sonoma
Santa Rosa, California

March 13, 2014
PLP12-0016 Melinda Grosch

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO
NATHAN BELDEN, FOR PROPERTY LOCATED AT 5561
SONOMA MOUNTAIN ROAD, SANTA ROSA; APN 049-030-010.

WHEREAS, the applicant, Nathan Belden, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional events per year, located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoned LIA (Land Intensive Agriculture) B6-40 acre density/40 minimum parcel size; Supervisorial District No 1; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on December 19, 2013, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Board of Zoning Adjustments continued the public hearing to a date and time uncertain; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held the continued public hearing on March 13, 2014, at which time all interested persons were given an opportunity to be heard.

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 Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. 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 Land Intensive Agriculture designation. The project is consistent with 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. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.

2. The proposed project is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows processing of agricultural products of a type grown or produced in the immediate area, if a Use Permit is obtained. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.
3. 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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures 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.
4. 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:
 - a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

- b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan

prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.
- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project
- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large

trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.

- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means, will not 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 because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.
- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.
- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and

supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.

- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.
- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the 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 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 Fogg, who moved its adoption with modified Conditions, seconded by Commissioner Lynch, and adopted on roll call by the following vote 5-0:

Commissioner	Fogg	Aye
Commissioner	Bennett	Aye
Commissioner	Cook	Aye
Commissioner	Liles	Aye
Commissioner	Lynch	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.



Sonoma County Combined Planning Commission
and 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: March 13, 2014
Meeting No.: 14-002

ROLL CALL

Commissioners

Don Bennett
Paula Cook
Jason Liles
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Scott Hunsperger
Sigrid Swedenborg
Melinda Grosch
Sue Dahl, Secretary
David Hurst, Chief Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Approval of Minutes -

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda

PLANNING COMMISSION UNCONTESTED CALENDAR

Item No.1	Time: 1:05 p.m.	File: PLP14-0002
Applicant:	Ken Petro / Darryl Thurner	Staff: Scott Hunsperger
Env. Doc:	Categorical Exemption	
Proposal:	Request for: 1) a General Plan Amendment from RR (Rural Residential), 2 acre density to DA (Diverse Agriculture), 20 acre density on 0.21 acres (APN 130-180-002, respectively), and DA (Diverse Agriculture), 20 acre density to RR (Rural Residential), 2 acre density on 0.21 acres (APN 130-180-091, respectively); and 2) an amendment to the West Sebastopol Specific Plan from the Rural Residential to the Intensive Agriculture land use designation on 0.21 acres, and from the Intensive Agriculture to the Rural Residential land use designation on 0.21 acres; and 3) a corresponding Zone Change from RR (Rural Residential), B6-2 acre density to DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), Z (Second Dwelling Unit Exclusion) on 0.21 acres and DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource), Z (Second Dwelling Unit Exclusion) to RR (Rural Residential), B6-2 acre density	

EXHIBIT D

on 0.21 acres as required by a Condition of Approval of a previously approved Lot Line Adjustment (LLA12-0034).

Location: 3410 and 3316 Frei Road, Sebastopol
 APN: 130-180-002 and -091 Supervisorial District: 5
 Zoning: RR (Rural Residential) B6, 2 acre density and DA (Diverse Agriculture) B6 – 20 acre density, SR (Scenic Resources), Z (Second Dwelling Unit Exclusion)

Action: **Commissioner Lynch** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Liles** and passed with a 5—0 vote.

Appeal Deadline: n/a
 Resolution No.: 14-004

Fogg: aye	Bennett: aye	Cook: aye	Liles: aye	Lynch: aye
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0	

Item No.2 Time: 1:05 File: ZCE13-0014
 Applicant: Homeworks Staff: Traci Tesconi
 Env. Doc: Categorical Exemption
 Proposal: Request for a Zone Change to remove the Z (Second Unit Exclusion) Zoning District on a 8.42 acre parcel.

Location: 505 Dusty Lane, Sebastopol
 APN: 061-130-098 Supervisorial District: 5
 Zoning: DA (Diverse Agriculture), B6 – 20 acre density, Z (Second Dwelling Unit Exclusion)

Action: **Commissioner Lynch** moved to recommend approval to the Board of Supervisors. Seconded by **Commissioner Cook** and passed with a 5—0 vote.

Appeal Deadline: n/a
 Resolution No.: 14-005

Fogg: aye	Bennett: aye	Cook: aye	Liles: aye	Lynch: aye
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0	

BOARD OF ZONING ADJUSTMENTS AND PLANNING COMMISSION REGULAR CALENDAR

Item No.3 Time: 1:05 p.m. File: UPE13-0037
 Applicant: Brian Paulson Staff: Sigrid Swedenborg
 Env. Doc: Negative Declaration
 Proposal: Request for a Water Agency educational center on a 10 acre parcel.
 Location: 9560 Westside Road, Forestville
 APN: 110-140-003 Supervisorial District: 5
 Zoning: RRD (Resources and Rural Development), B6 – 60 acre density, BR (Biotic Resources), F1 (Primary Floodplain), F2 (Secondary Floodplain), SR (Scenic Resources), VOH (Valley Oak Habitat)

Action: **Commissioner Lynch** moved to approve the request with modified conditions. Seconded by **Commissioner Bennett** and passed with a 5-0 vote.

Appeal Deadline: ten days
 Resolution No.: 14-004

Fogg: aye	Bennett: aye	Cook: aye	Liles: aye	Lynch: aye
Ayes: 5	Noes: 0	Absent: 0	Abstain: 0	

Item No.4 Time: 1:30 p.m. File: PLP12-0016

Con-t from: December 19, 2013
Applicant: Nathan Belden Staff: Melinda Grosch
Env. Doc: Mitigated Negative Declaration
Proposal: Request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese and retail sales of agricultural products, tasting by appointment only, and 10 special events annually on a 55 acre parcel.
Location: 5561 Sonoma Mountain Road, Santa Rosa
APN: 049-030-010 Supervisorial District: 1
Zoning: LIA (Land Intensive Agriculture), B6-40 acre density/40 minimum, and SR (Scenic Resource).
Action: **Commissioner Fogg** moved to approve the project with modified conditions. Seconded by **Commissioner Lynch** and passed with a 5-0 vote.
Appeal Deadline: ten days
Resolution No.: 14-005

Fogg: aye Bennett: aye Cook: aye Liles: aye Lynch: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Item No.5 Time: 2:00 p.m. File: ORD11-0001
Con-t from: March 6, 2014
Applicant: County of Sonoma Staff: Sandi Potter
Env. Doc:
Proposal: Adopt an ordinance for temporary economic stimulus automatically extending time extensions for land use entitlements and extending an exception to the land use limitations for vacation rentals in the LIA zone.
Location: Countywide
APN: Various Supervisorial District: all
Zoning: All
Action: **Commissioner Lynch** moved to recommend approval to the Board of Supervisors of the mini-stimulus ordinance as proposed by staff which includes a one-year automatic extension of time for entitlements not expired that have not expired and a two year extension of the exception ordinance for vacation rentals in LIA. Seconded by **Commissioner Bennett** and passed with a 5-0 vote.
Appeal Deadline: na
Resolution No.: 14-006

Fogg: aye Bennett: aye Cook: aye Liles: aye Lynch: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0



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: December 19, 2013
Meeting No.: 13-012

ROLL CALL

Commissioners

Shawn Montoya
Paula Cook
Jason Liles (absent)
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Sigrid Swedenborg
Melinda Grosch
Sue Dahl, Secretary
Jeff Brax, Chief Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Minutes Approved – October 24, 2013

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda

BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

Item No.2 Time: 2:00 p.m. File: PLP12-0016
Applicant: Nathan Belden Staff: Melinda Grosch
Env. Doc: Mitigated Negative Declaration
Proposal: Request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese annually and retail sales of agricultural products, tasting by appointment only, and 10 special events annually on a 55 acre parcel.

Location: 5561 Sonoma Mountain Road, Santa Rosa
APN: 049-030-010 Supervisorial District:
Zoning: LIA (Land Intensive Agriculture), B6-40 acre density/40 minimum, and SR (Scenic Resource).

Action: **Commissioner Fogg** moved to continue the item off calendar. Item will be renoticed. Seconded by **Commissioner Cook** and passed with a 4-0-1 vote
Appeal Deadline: n/a
Resolution No.: n/a

Fogg: aye	Lynch: aye	Liles: absent	Cook: aye	Montoya: aye
Ayes: 4	Noes: 0	Absent: 1	Abstain: 0	



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

MEMO

Date: March 13, 2014
To: The Board of Zoning Adjustments
From: Melinda Grosch, Planner III
Subject: PLP12-0016, 5561 Sonoma Mountain Road, Santa Rosa

Prior Actions:

On December 19, 2013, the Board of Zoning Adjustments, with a 5-0 vote, continued the proposed winery and cheese processing facility off-calendar so that the applicant could provide additional information on the following issues: 1) roads and traffic generation; 2) the Bennett Valley Area Plan's guidelines relative to this site; 3) the project's potential impacts on raptors; 4) a more thorough explanation of the potential impact on groundwater from this project; 5) how the phasing will be implemented; and 6) a discussion of the inadequacies of the Mitigated Negative Declaration and staff report raised by Bill McNearney.

DISCUSSION OF ISSUES

Background:

The applicant is requesting a Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales of farm products, wine, cheese and other farm product tastings by appointment only, and 10 Agricultural Promotional events per year on a 55 +/- acre parcel.

Issue #1: Traffic

In response to the numerous concerns raised by the neighbors the Board of Zoning Adjustments requested further information on traffic and the operation of Sonoma Mountain Road.

Additional Information

The applicant's consultant, W-Trans, provided some additional information directly responding to the issue of the condition of the road, the number of trips, and safety. For a winery the majority of traffic is passenger vehicles and light trucks. There will also be some farm equipment and heavy trucks during certain times of the year. However, these will probably be similar to or less than the number of trips that are currently needed to haul the grapes grown on-site to an off-site processing facility. W-Trans states, "The type of traffic that this project will generate will have little effect on the structural integrity of the road, regardless of its condition. It is noted that poor pavement generally results in slower traffic speeds, which translates to better safety conditions, not a negative safety impact."

The Sonoma County Transportation and Public Works Department concurs with the W-Trans assessment that this project will have little impact on the structural integrity of the roadway. They note that the ASTHO recommended width for the type of rural roadway represented by Sonoma Mountain Road and the traffic volumes it carries or will carry is 18 feet. Roadways of this width typically aren't painted with a centerline or shoulder stripes.

The issue of road safety and condition is raised frequently with projects under review by the Board of Zoning Adjustments. Ultimately, the Board is asked to make policy decisions relative to this issue. The road is similar to many other rural county roads many of which have a variety of agricultural uses located on them. The difference between allowed agricultural uses and processing and those uses which include visitors is the key. The Board of Zoning Adjustments must make a determination about whether this road can accommodate additional traffic and whether it is an appropriate facility for additional visitor traffic.

Resolution

Other than the driveway improvements and brush trimming along Sonoma Mountain Road no other roadway improvements are included in the conditions. However, payment of a traffic mitigation fee that is based on the size of the building and the intensity of the use will also be required.

Issue #2: Bennett Valley Area Plan

The Board of Zoning Adjustments asked staff to review the Bennett Valley Area Plan for any policies that might apply to the proposed project.

Additional Information

Staff reviewed the Bennett Valley Area Plan that is currently in effect and the previous plans. There are no policies that are specific to the parcel but there are several policies besides the Scenic Design Guidelines that are relevant to the discussion of this proposal.

VI. CIRCULATION

The character of the road system is a vital component of rural character of Bennett Valley.

- (1) The character of the existing public road system shall be retained. Improvements should be made in the interest of safety.*
- (2) Development shall be sited with minimum impact on the view from the road.*
- (3) Intensity of land use shall reflect the conditions character and capacity of roads.*

The proposed project is not proposing any changes in the road that will change the rural character of the road. The proposed winery building is to be located within the existing farm complex and screened with additional vegetation to minimize its visibility from Sonoma Mountain Road.

G. TO PRESERVE AND PROTECT AGRICULTURE

- (1) *Encourage utilization of Land Conservation Act of 1965 as amended.*
- (2) *Retain appropriately low densities.*

A winery and cheese processing facility are considered compatible uses under the Uniform Rules for Agricultural Preserves. Compatible uses must be limited to 5 acres or 15% of the total acreage, whichever is less. Here the 5 acre standard applies. Compatible uses occupy approximately 2.2 acres (4%) which is within the allowable area for compatible uses.

No change in the residential density designation of 40 acres per dwelling unit is proposed.

H. TO AVOID INCREASING HAZARD ON INADEQUATE ROADS

- (1) *Retain low density until road upgraded.*
- (2) *Encourage road trust funds to maintain establishment of and improve roads consistent with the transportation policy.*

This proposal does not include an increase in residential density designations. Despite the long tenure of part 2 of this policy a "road trust fund" has not been established in the Bennett Valley area, however, countywide traffic impact fees are allocated to each district along with any contributions for specific projects.

Resolution

As indicated above, a standard condition of approval requires payment of traffic mitigation fees for all new projects. This fee is intended to offset cumulative traffic impacts from new development. Traffic Impact Fees are generally a proportional share of the costs and usually need to be combined with other funds for a project to be undertaken.

Issue #3: Potential Impacts on Raptors

The Board of Zoning Adjustments asked if the project would have an impact on raptors.

Additional Information

During the original review the applicant was asked to have a biological assessment prepared for the property. The consultants, Kjeldsen Biological Consulting prepared a biological assessment of the project in May 2013. As a part of that evaluation they reviewed the area proposed for construction and areas of the property that might be affected by the development of the project. They state: "No raptor activity or nests were observed on or near the proposed project site." Staff had been particularly concerned about the potential for owls and bats in the old barn structure. Again, none were observed using the barn for roosting or nesting.

Resolution

Staff has included a condition of approval requiring another bat and owl survey be conducted just before construction starts on the old barn, and if raptors are found conditions would limit construction activities until after the nesting season.

Issue #4: Groundwater

The Board of Zoning Adjustments asked that additional information be provided on the groundwater use and its potential impacts on the groundwater table.

Additional Information

The site is located in a Groundwater Availability Area Zone III. Therefore, during the initial evaluation of the project staff requested a hydrological study. The applicant had a hydrological study prepared by E.H. Boudreau, a registered geologist. He reviewed production records of the current well and geology of the area. Additionally, survey questionnaires were mailed to the owners of wells on nearby properties. Mr. Boudreau also gathered information on the average annual rainfall and the size of the capture area for the groundwater basin where Belden Barns is located. Based on the information gained from these sources Mr. Boudreau determined that the proposed winery will not have an impact on the groundwater table. Current drought conditions were not discussed.

Resolution

Several conditions of approval/mitigation measures address this issue. Conditions requiring high efficiency plumbing fixtures and water efficient landscaping, well yield testing, and well monitoring are all applied to this project. The vineyards are irrigated with water from an on-site pond that captures sheet flow during the rainy season.

Issue #5: Phasing

The Board of Zoning Adjustments requested clarification of how the phasing will work, especially how the conditions will help the project planner keep track of phasing.

Additional Information

The applicant has proposed that the first phase be completed in the first two years. During this phase the existing barn will be renovated and have about 1,000 square feet of space added to it to accommodate both a creamery and wine processing. Two legal non-conforming residences will be demolished. A new 4,270 square foot residence for the owner will become the primary, conforming residence inhabited by the owner. The applicant also proposes using this structure as the hospitality and tasting area. This will allow the applicant to establish their winery and creamery but production will be limited due to space constraints. In addition to demolition of the two legal non-conforming units the existing primary dwelling will need to be designated as a Farm Family unit, occupied by an immediate family member or an Agricultural Employee unit before the new dwelling can be constructed. This will bring the property into

conformance with the allowable residential density and the Land Conservation Contract which limits the number of dwelling units.

The second phase of the project will start 3 to 4 years from approval of the Use Permit with the construction of the 8,300 square foot winery. A further 1,090 square feet of space added to the existing barn/creamery, completing its conversion to a milking parlor, creamery, and cheese processing facility. The applicant has also proposed two additional dwellings for Agricultural Employees. These cannot be approved at this time as there is inadequate agriculture on the site to support them. If enough additional agriculture has been established on the parcel by the time that the new winery is to be constructed then these units could be approved. Each agricultural Employee unit will require its own zoning permit and agreement that must be approved and signed by the Director of the Permit and Resource Management Department.

Resolution

In order to ensure that the phasing occurs on the proposed timeline the conditions specify when each phase must start. After review by staff Condition 99 has been separated into two parts and Condition 100 now provides direction on phasing and vesting. The original text was modified and now reads as follows:

“This Use Permit is approved for phased project development:

Phase I:

Phase I shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the granting of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase I may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Phase II:

Phase II is not automatically vested with Phase I. Phase II shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the vesting of Phase I of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit for Phase II shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase II may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.”

Issue #6: Mitigated Negative Declaration and Staff Report

A neighbor opposing the project, Bill McNearney, raised the following questions about the Mitigated Negative Declaration and the Staff Report (in this section additional information is included under each of Mr. McNearney's comments):

Mr. McNearney's comments focus on the current condition of the roads and lack of mitigation measures to resolve the impacts of increased traffic on the road system.

In response to the first #1 in McNearney's letter, item "b" 2.5 is the accepted average vehicle occupancy for Sonoma County events used by all transportation engineers. It has been field verified by W-Trans at various winery events throughout the County over a number of years.

Item "c" McNearney states that the volume of traffic on other roads connecting to Sonoma Mountain Road will be heavily impacted by traffic generated by Belden Barns. Trips at the entrance to the site represent the maximum number of trips for the project. The average daily trip generation is 61 trips. These will then be dispersed onto the other roadways as people come or go in different directions. Trips generated by those travelling to and from the winery wouldn't all travel on Enterprise, Pressley, and Sonoma Mountain Roads simultaneously. Volumes are low relative to the roadway capacity even if all trips go in one direction.

Item "d" McNearney states that the traffic data is out of date. Traffic counts were made by the traffic consultant, W-Trans, on Sonoma Mountain Road at the project site so they were not relying entirely on the traffic data that is kept by Public Works. Counts for other roads were not recounted but volumes were so low that they will not be impacted even if volumes are much higher than the last counts. The consultant also used the Public Works capacity rating for the roadway system. That classification states that roads like Sonoma Mountain Road should be able to handle 5,000 vehicles per day. W-Trans made actual counts on Sonoma Mountain Road in front of the project of 360 vehicles per day. W-Trans was the traffic consultant for the park project and made a count for that project at a different location on Sonoma Mountain Road of 822 vehicles per day. The addition of the predicted trips for both projects – 81 for the park and 61 for Belden Barns – would not exceed the capacity of the roadway. Trips from the Zen Center are already included in traffic counts as the uses that have been applied for under the current application have been ongoing for many years.

For the second #1 in McNearney's letter, items "a" to "c," Mr. McNearney states that the consultant and staff have ignored the current condition of the roads paving and its many other physical shortcomings (e.g. sharp curves, steep hills, narrow lanes, lack of shoulders, etc.) in their assessment of safety. Mr. McNearney requests that the Sonoma County Department of Transportation and Public Works review the proposal. This was done during the review of the project by other agencies and conditions were provided by the Public Works Department (see conditions #54 through #59).

Item #2 Mr. McNearney discusses the lack of funding for maintenance. This is a problem countywide. To date the Board has not placed a moratorium on new development related to lack of road maintenance. New development pays a traffic mitigation fee for capacity improvements, however, long term maintenance does not have adequate funding.

Item #3 Mr. McNearney disputes the accident information reported by the California Highway Patrol. While this data likely does not include all the accidents on any stretch of road it is the only source of documented accidents. W-Trans provided the following information:

"... there may be unreported collisions, either with other vehicles, fixed objects, or animals, unless those crashes are reported there is no way that we can include them in our analysis. Further, since the rates we compare them to are also only based on reported collisions, it results in a reliable way of determining if the road is generally operating safely or not. In this instance the collision rate was below the statewide average, so crashes are occurring at a rate that is relatively typical. Again, the poor condition of the roadway does not mean that there is a safety problem, and in fact results in lower speeds and therefore a reduced number of crashes."

Item #4 Mr. McNearney states that bicyclists were not adequately addressed as the Mitigated Negative Declaration only discusses safety around the entrance to the proposed winery and cheese making facility. The project was sent to the Bicycle and Pedestrian Advisory Committee for comments and conditions. No comments or conditions were received. Based on the Class III classification of Sonoma Mountain Road in the Bicycle Plan no significant changes are planned for this road to further accommodate bicycles. The road is used by bicyclists because it is a scenic rural road and does connect to the San Francisco Ridge Trail and proposed trails on Open Space properties.

Item #5 Mr. McNearney states that section 8 of the Mitigated Negative Declaration is incomplete as it does not discuss hazards to bicycles and pedestrians. Section 8 of the Mitigated Negative Declaration discusses hazardous materials and impacts to and from airports which may be in the area of a project. This project does not involve hazardous materials and there are no airports in the vicinity. Section 16(f) discusses bicycles and pedestrians. Although Sonoma Mountain Road is used by bicyclists and pedestrians it is not a major bicycle and pedestrian facility and no bicycle or pedestrian improvements are planned at this time.

The following points are statements about Sonoma Mountain Road:

Item #6 Mr. McNearney states that the County plans to allow Sonoma Mountain Road to deteriorate until it goes back to being a gravel road.

Item #7 Mr. McNearney states that numerous petitions asking the Board to fix Sonoma Mountain Road have brought no results.

Item #8 Mr. McNearney states: No planned widening or repaving, no plans for a Class 1 bicycle and pedestrian facility (i.e., separated from vehicle lanes), inebriated drivers increase the hazards, and wildlife cross the road creating additional hazards.

Item #9 Staff's acceptance of the traffic report may expose the County to "serious legal liability."

STAFF RECOMMENDATION

Staff recommends the Board of Zoning Adjustments approve the requested Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales of farm products, wine, cheese and other farm product tastings by appointment only, and 10 Agricultural Promotional events per year on a 55 +/- acre parcel.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. 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 Land Intensive Agriculture designation. The project is consistent with 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. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.
2. The proposed project is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows processing of agricultural products of a type grown or produced in the immediate area, if a Use Permit is obtained. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.
3. 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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures 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.

4. 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:

a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the proposed project for compliance with the

applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.
- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project.

- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.
- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means, will not 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 because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.
- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project

engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.

- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.
- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.
- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Proposal Statement and Addendums – Six Pages
- EXHIBIT C: Board of Zoning Adjustments Minutes December 19, 2013
- EXHIBIT D: Board of Zoning Adjustments Staff Report December 19, 2013
- EXHIBIT E: Two E-mails from W-Trans Jan 21 and January 24, 2014
- EXHIBIT F: Correspondence Received since December 19, 2013
- EXHIBIT G: Draft Resolution

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirements.

6. Mitigation 6.a.ii.2.

The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by PRMD. The geotechnical engineer shall certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring:

PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

7. Mitigation 12.a.iii:

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 it shall be subject to approval by PRMD. 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) If required, 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. The nearest off-site dwelling is more than 600 feet away thus locating noise generating equipment in areas shielded by on-site buildings will provide adequate noise protection.

Mitigation Monitoring:

PRMD staff shall ensure that the measures are listed on all site alteration, 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)

HEALTH:

The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

8. Prior to building permit issuance and vesting the Use Permit, 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 2007 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.

9. 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 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. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
10. Prior to the issuance of building permits and vesting the Use Permit, 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 Department of Public Health, Office of Drinking Water if 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 Department of Public Health 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 may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
11. 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.
12. Prior to building permit issuance for Phase I and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of five gallons per minute.
13. Prior to the issuance of any building permit and vesting the Use 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:

14. 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.

The project description includes Agricultural Promotional event 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 25% percent of the wastewater flow from an outdoor event with 100 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system. Note that indoor events such as dinners are expected to provide septic system capacity for 100% of the event, as these guests are not expected to exit the building to use portable toilets.

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.

15. 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.
16. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system to be retained. The septic system shall be evaluated for the ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel that will be plumbed to an existing septic system.

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.

17. 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:

18. Prior to the issuance of building permits, vesting the subject Use Permit, 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 Environmental Health Division of the Health Services Department.

If the project will operate under a Wine Tasting Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 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).

Contact the Environmental Health Division at 565-6547 for information and instruction sheet. An e-mail of the approval from the Environmental Health Division 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).

Solid Waste:

19. 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. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

Vector Control:

20. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction or operation of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Water:

21. Prior to occupancy, the 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:

22. 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.
23. A safe, potable water supply shall be provided and maintained.

24. 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.
25. 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:

26. Maintain the Annual Operating Permit for any alternative (mound, at grade, pre-treatment 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.
27. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
28. 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.
29. When permitted events exceed 25 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 Agricultural Promotional event and shall be promptly serviced and removed within 48 hours after the 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 event as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.

- ii) Toilet paper is promptly replaced when the dispenser runs out.
- iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
- iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
- v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

- 30. 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:

- 31. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division 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 Division 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 Division 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.

- 32. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food for off-site shipment.

Noise:

- 33. Mitigation 12.a.i.
Noise shall be controlled in accordance with Table NE-2 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.		

Mitigation Monitoring:

Any noise complaints will be investigated by PRMD staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. 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)

34. 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.
35. No indoor amplified sound shall be heard from the property line.
36. 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.

Smoking:

37. 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.
38. 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.

GRADING AND STORM WATER:

The conditions below have been satisfied BY _____ DATE _____

- 39. 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.
- 40. 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.
- 41. The following development and redevelopment projects are subject to storm water Low Impact Development (LID) regulations:
 - a. All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface.
 - b. All development and redevelopment projects that include four or more houses.
 - c. Streets, roads, industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, and automotive service facilities creating or replacing a combined total of 10,000 square feet or more of impervious surface.

If the proposed project, and reasonably foreseeable future development, exceeds the thresholds noted above, then measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. LID/SUSMP features must be installed per approved plans and specifications, and working properly prior to finalizing the grading permit and associated building permits.

- 42. 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.
- 43. 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.

44. 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.
45. 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.
46. 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.
47. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.
48. Mitigation 9.a:
This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice Of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Grading and Storm Water Section of the Permit and Resource Management Department.

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until the NOI and the WDID have been received.

49. Mitigation 9.c.:
Prior to grading or building permit issuance, construction details for all storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Storm water best management practices must be installed per approved plans and specifications, and working properly prior to each rainy season (October 15 each year) and remain functional throughout the rainy season. The Permit and Resource Management Department will verify storm water best management practice installation and functionality, through inspections, throughout the life of the construction permit(s).

Storm water best management practices shall be designed and installed pursuant to adopted Sonoma County Best Management Practice Guide.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the plans meet all storm water best management practices. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

50. Mitigation 9.d.:

Prior to grading or building permit issuance, construction details for all post-construction storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Post-construction storm water best management practices shall be designed and installed pursuant to the adopted Sonoma County Best Management Practice Guide.

The owner/operator shall maintain the required post-construction best management practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction best management practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

Mitigation Monitoring:

Post-construction storm water best management practices shall be installed per approved plans and specifications, and working properly prior to finalizing the grading or building permits. The Permit and Resource Management Department will verify post-construction storm water best management practice installation and functionality, through inspections, prior to finalizing the permit(s).

51. Mitigation 9.e.:

The construction plans shall include a storm water drainage system that adequately addresses the impacts and design features discussed above, in substantial conformance with the final drainage report. The design and sizing of the storm water drainage system shall be in compliance with the adopted Sonoma County Water Agency Flood Control Design Criteria, 1983 or most recently revised edition.

A final drainage report for the proposed project shall be prepared for this project. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The final drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

The construction plans and final drainage report shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application and/or improvement plans, as applicable, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the final drainage improvements are in compliance with the final drainage report. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

52. Mitigation 9.f.:

The project shall be subject to a setback of 30 feet from the top of the bank as established in Policy OSRC-8b (Riparian Corridor Setback) of the Sonoma County General Plan. (Note: If existing riparian vegetation extends beyond the numerical setback distance, then the setback shall be established at the drip line of the existing riparian vegetation or offsite mitigation shall be required.)

The project shall be subject to County Code Section 7-14.5 Stream setback for structures requiring a building permit as well as to County Code Section 11.16.120 setback for streams. No structure shall be setback less than 30 feet from the top of the bank.

The development plans shall present the setbacks associated with each of the county code sections detailed above.

The development plans shall be subject to review and approval by the Grading & Storm Water Section, the Building Division and/or the Planning Division of the Permit and Resource Management Department prior to the issuance of any building or grading permits.

Mitigation Monitoring:

Grading and Storm Water Section Staff shall ensure that all plans provide evidence that the appropriate setback to the drainage along the eastern side of the property is maintained for all building and grading permits. The project planner shall ensure that all landscaping and other activities are setback from the drainage appropriately.

53. 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 Use.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

54. "Special Event Ahead" signage shall be employed during the course of events. Signs conforming to Sonoma County Standard Drawing No. 710 shall be placed in advance of the Applicant's entrance in order to alert all traffic to the possibility of traffic congestion (www.sonoma-county.org/tpw/pdf/const_std/710.pdf).
55. Prior to issuance of any building permit, or temporary or final occupancy: To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, winery access to Sonoma Mountain Road shall conform to AASHTO recommendations. More specifically, the Developer shall construct a commercial driveway entrance meeting the following criteria:
- a. A minimum paved throat width of 20 feet (measured 30 feet from edge of pavement);
 - b. Entrance curves having a minimum pavement radius of 25 feet, the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Sonoma Mountain Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
 - c. The driveway shall enter Sonoma Mountain 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 entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.

- e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/pdf/const_std/814.pdf).
- 56. 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.
- 57. The Applicant shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
- 58. Mitigation Measure 16.a.i.:
Widen all internal roadways/driveways to a 20-foot cross section or install turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.

Mitigation Monitoring:

Prior to building permit issuance Fire Services shall review the development plans to ensure that on-site access meets the requirements for width or includes the correct number of turnouts.

- 59. Mitigation Measure 16.a.ii.:
The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Sonoma Mountain Road. To enhance sight distance, Department of Transportation and Public Works recommends the removal of vegetation and select eucalyptus trees located along the edge of pavement west of the existing driveway.

Obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance program shall be developed subject to approval of the Sonoma County Department of Transportation and Public Works to ensure that the sight distance is maintained.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide documentation that an agreement with Sonoma County Transportation and Public Works for vegetation removal and maintenance of that vegetation has been entered into. Annually, the project planner and/or Public Works staff will verify that the work has been completed and results in a minimum sight distance of 445 feet to the east and 385 feet to the west.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

- 60. 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.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

61. This Use Permit is for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional event per year. See the details of the events below. Only one event may be a wedding, which can only be held during the summer months (June to September). The nine authorized promotional events must promote and market agricultural products grown or processed in the County and be secondary and incidental to agricultural production. Hours of operation for winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional event must end by 9:30 p.m. with all clean up completed by 10:00 p.m. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0016. The site is a 55-acre parcel located easterly of the intersection of Pressley Road and Sonoma Mountain Road.

Phasing of the project is as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added for the creamery and 530 square feet will be added to the milking shed.
2. The existing Legal Non-Conforming 2,490 square foot residence will be demolished. A new 4,270 square foot residence for the owner which will include the tasting/hospitality, commercial kitchen, and administrative space on the ground floor will be constructed. The existing Primary Dwelling will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant prior to issuance of the building permit for the new primary dwelling.
3. Prior to issuance of the building permit for the new primary residence demolish the 1,780 square foot garage with second story residence.

Employees in Phase I: Four Full-time and two part-time during non-harvest increasing to six full-time during harvest and bottling, not including agricultural workers.

Phase II: (Start Time: 3 to 4 years from approval)

1. The new 8,300 square foot winery building will be constructed adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit and covenant must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn, for the creamery.

Employees in Phase II: Five full-time and four part-time during non-harvest increasing to seven full-time during harvest and bottling, not including agricultural workers.

Events

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

62. The facility shall not be rented out to third parties for events
63. The days and hours for Agricultural Promotional 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 Agricultural Promotional 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.
64. Mitigation 12.a.ii.
 Agricultural Promotional events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan. All events shall end by 9:30 p.m. so that guests can leave the site by 10:00 p.m.
- Mitigation Monitoring:
 Any complaints about events outside the hours established by the Noise Element of the General Plan shall be investigated and if events are held or allowed to continue outside the allowed hours of operation then enforcement actions may be undertaken up to and including potential revocation.
65. Currently there are one primary and two legal non-conforming dwelling units on-site. Prior to issuance of a building permit for any building containing dwelling units applications to designate each dwelling on site as a qualifying type of unit that complies with both the Zoning designation and the Williamson Act contract shall be submitted and receive approval.
66. This Use Permit (PLP12-0016) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
67. 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.
68. 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.

69. 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, 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.
70. Condition Compliance Fee. Prior to commencement of event activities, the owner/operator shall submit a Condition Compliance Review fee deposit sufficient to cover the review of event activities as described above.
71. At the time of submitting a building permit application, the applicant shall submit to PRMD 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 inspection being granted.
72. 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.
73. 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.
74. Mitigation Measure 5.b.
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."

Mitigation Monitoring: 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.

75. Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).
76. The applicant shall maintain a minimum of 96 parking spaces on-site to serve the agricultural processing facility, tasting room, and events. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
77. Construction of new or expanded residential and non-residential development shall be subject to Affordable Housing and Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
78. 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.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

79. Mitigation 7.a.iv.:
Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code).

Mitigation Monitoring:

Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.

<http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>

80. Mitigation 1.c.i:
Prior to issuance of building permits the applicant shall submit the building and landscaping plans for final Design Review.

Mitigation Monitoring:

The Design Review Committee will ensure that the buildings are appropriately sited and screened from view from public roadways and adjoining properties in conformance with the Bennett Valley Design guidelines. Building and grading permits shall not be issued until they have been approved by the Design Review Committee.

81. Mitigation 1.c.ii.:
Additional trees and shrubs shall be planted along Sonoma Mountain Road to more completely screen the new winery building from the road. Additional orchard trees should be located on the north side of the new winery building, the existing dance hall, and along that area to the west to provide screening and breakup the northerly façade of the new winery and dwelling/tasting

facility. The roadside plantings shall be reviewed by the transportation consultant Whitlock & Weinberger to ensure that sight distances at the driveway are not impaired by the new vegetation.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide the project planner with a detailed landscaping plan showing the location, type, irrigation lines, and sizes of all new landscaping and orchard plantings. These plans must be approved by the planner, the transportation consultant, and the Design Review Committee.

82. Mitigation 1.d.:

Prior to issuance of the Building Permit, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded, and directed downward to prevent "wash out" onto adjacent properties. 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 until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit 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 require the property be brought into compliance or initiate procedures to revoke the permit. (Ongoing)

83. Mitigation Measure 3.c.:

The following dust control measures will be included in the project:

- A. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as directed by the County.
- 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:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff 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 for dust control measures to be implemented during construction. 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 additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

84. Mitigation 3.e.:

Disposal of pomace and other waste products from processing of agricultural materials 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. Agricultural waste products 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. Agricultural waste products shall be sold, traded or donated to willing soil amendment or

composting companies that prepare organic material for use in land application.

- c. Agricultural waste products shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the waste to be used by the County's composting program.

Agricultural waste products shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities a) through c) above have been exhausted. In all cases, care shall be taken to prevent contamination by petroleum products, heavy metals, pesticides or any other material that renders the material unsuitable for composting with subsequent land application. Land application, placement of waste into a composting facility or disposal shall occur within two weeks of the end of processing.

Mitigation Monitoring:

If PRMD 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.

85. Mitigation 4.a.i.:

Prior to reconstruction of the barn, the applicant shall hire a qualified bat and bird specialist to conduct a pre-demolition survey during the time when bats or barn owls would be expected to be present and active (i.e., early April) to determine the presence of roosting bats or nesting owls. If no evidence exists that either bats are roosting or owls are nesting in the barn, then no further mitigation is required.

Mitigation Monitoring:

Prior to issuance of demolition/reconstruction permits for the barn a copy of the study shall be provided to the project planner.

86. Mitigation 4.a.ii.:

If roosting bats or nesting owls are determined to be present, the applicant shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to the barn, to the extent feasible. Based on recommendations from a bat and bird specialist, appropriate exclusion devices shall be installed to prevent roosting bats and nesting owls from being in the facility when demolition and reconstruction occurs. The replacement roosting facility shall be monitored weekly during the first month after installation and then once every three months until activities are completed to document bat utilization.

Mitigation Monitoring:

Prior to issuance of permits for demolition/reconstruction for the barn the applicant's consultant shall provide documentation that the replacement roosting facilities have been installed along with the exclusion devices to prevent bats and owls from reoccupying the barn. Monitoring reports shall be submitted to the project review planner as they are prepared.

87. Mitigation 4.a.iii.:

A riparian (streamside conservation area) line shall be established 30-feet from the top of the bank of drainage on the easterly side of the construction area. "NOTE ON PLANS": Structures, equipment, roads, utility lines, parking lots, lawns, agricultural uses (planting, grazing, etc.), grading, fill, and excavation shall be prohibited in this conservation area.

Mitigation Monitoring:

The setback line shall be shown on the plans and prohibits activities within the creek setback.

88. Mitigation 7.a.i.:

All new buildings shall be constructed in conformance with CalGreen at the Tier 1 level of compliance. These standards apply to both new residential and non-residential construction excepting remodels and additions, and result in buildings that are more energy efficient and reduce GHG emissions.

Mitigation Monitoring:

CalGreen + Tier 1 compliance became mandatory in Sonoma County when it was adopted and approved by the Board of Supervisors and California Energy Commission; the ordinance effective date was January 1, 2011. Building permits will not be approved without compliance with this ordinance.

89. Mitigation 7.a.ii.:

The applicant shall install solar panels on the new winery buildings or ground mounted panels to provide a part of the energy which will be required for the proposed uses.

Mitigation Monitoring:

The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the applicant has carried out the installation of the solar panels to the project planner.

90. Mitigation 7.a.iii.:

The applicant shall prepare an idle time reduction plan to reduce the time that trucks making deliveries or picking up products or grapes spend with engines idling. For diesel engines idle times shall be no longer than 5 minutes.

Mitigation Monitoring:

The idle time reduction plan shall be submitted to the project planner who will verify that it meets the minimum standards established by State of California's Commercial Vehicle Idling Regulations.

91. Mitigation 8.a.:

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:

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. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

92. 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 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.
93. 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.
94. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.
95. 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.
96. 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 and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
- a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting, Agricultural Promotional event, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with Agricultural Promotional event, wine club meals and winemaker dinners. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.
 - c. Retail sales of pre-prepared 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-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) 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.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
97. 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.
98. 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.

99. 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.

100. This Use Permit is approved for phased project development:

Phase I:

Phase I shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the granting of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase I may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Phase II:

Phase II is not automatically vested with Phase I. Phase II shall be vested by obtaining the necessary permits and starting construction within two (2) years after the date of the vesting of Phase I of the Use Permit. If the development has not been commenced within the specified timeframe the Use Permit for Phase II shall become automatically void and of no further effect, provided however, that upon written request by the applicant and payment of the appropriate fee prior to expiration, a one year extension of time to Phase II may be granted by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

Belden Barns Winery & Farmstead

Belden Barns

Proposed New Winery and Farmstead Facilities
5561 Sonoma Mountain Road
Santa Rosa, Sonoma County

Proposal Statement

The proposed Belden Barns Winery and Farmstead involves the development of new winemaking, hospitality and farmstead food production facilities on our 55 acre parcel located at 5561 Sonoma Mountain Road near Santa Rosa, California. The facilities will be owner-operated dedicated primarily to the production of ultra-premium Pinot Noir, Syrah, Sauvignon Blanc and Gruner Veltliner as well as various farmstead products including fresh/preserved vegetables/fruits, eggs, charcuterie and cheeses.

The facilities will be located on our vineyard property known as Steiner Vineyard, which was first planted in 1973 and is a historically important vineyard in the Sonoma Mountain/Bennett Valley AVAs. The vineyard currently has 16.0 acres of producing vines, 4.0 acres of vines under development, irrigation reservoir, pasture, fruit orchard, vegetable plots, barns and residences. It is our desire to have a quiet farmstead operation and winemaking facility. And while an ultimate production of 10,000 cases of wine and 10,000 lbs of cheese is requested, the production at our facilities will begin small and grow to match the success of producing world class wines in conjunction with farmstead products and farmstead themed experiences.

Tastings and tours will be by appointment with retail sales direct to customers. We plan on having agricultural promotional events to introduce potential and current customers to our wines and farmstead products including wine pick-up events, chef dinners, selective county-wide industry events, limited weddings and other agricultural promotional gatherings. The proposed winery will produce wines primarily from our estate vineyard and other local vineyards in the region. The farmstead production will utilize vegetables, fruit, eggs and milk produced sustainably on site and from surrounding producers. For reference, 10,000 pounds of cheese production utilizes the milk production of 10 cows / 50 sheep / 100 goats. The sustainable carrying capacity of our pasture supports fewer animals than our targeted cheese production implies, so we plan to source a portion of milk for cheese production from local producers.

The facility development is planned to be a phased project. Phase I will include reconstruction of the existing 2490 SF residence to tasting, hospitality, commercial kitchen, administrative and residential use (4270 SF w/ 1410 SF porch); conversion of one 480 SF wing of an existing barn to locker/restrooms; and demolition of an existing 1780 SF garage and residence building. Winemaking during Phase I will take place at the existing barn area with offsite barrel storage. Phase II will include a new 8300 SF winery building (7650SF – 1st Floor, 650 SF 2nd Floor) nestled into the topography adjacent to the new hospitality building and demolished garage/residence. The wine facility incorporates a covered grape receiving and crushing area with press, fermentation, barrel storage, case goods/bottling, equipment storage, production restroom, equipment room, office, lab and attached workforce residences (900 SF 2 bedroom unit, 470 SF 1 bedroom unit). The 2nd floor includes a VIP tasting and hospitality area. Phase II will also include a new 1090SF wing to an existing barn. This new construction will include a milking parlor, micro creamery, cheese making room and affinage rooms for cheese and charcuterie aging. Due to tree coverage and use of topography each phase of development will be minimally visible from Sonoma Mountain Road and is located 420± feet from the existing road and 640± feet from the closest neighboring residence. The winery design and layout has been driven by the function and the criteria for gentle handling of fruit, gentle wine processing, minimized power usage and reduced exposure of the structure. All building designs are agrarian in character with the existing residence, barns and surrounding agricultural area.

Related infrastructure includes minor improvements to the existing entrance on Sonoma Mountain Road, process wastewater treatment system, storm water management improvements, fire protection water storage and associated grading and landscape improvements.

Belden Barns Winery & Farmstead

During Phase I, we plan on having 4 full-time employees and 2 part-time employees. To support the proposed Phase II winery and farmstead facilities during non-harvest, we anticipate maintaining a staff of 5 full-time and 4 part-time employees, with an increase to 7 full-time employees during the harvest season and bottling. Visitation for both phases will be by appointment and visitors anticipated are to be on the order of 20 for an average day and 60 for a peak day. Operating hours shall be 7 AM to 6 PM Monday through Friday off harvest and 6 AM to 10 PM Monday through Sunday during harvest season.

It is our intention to create a small, quiet farmstead and winery facility that produces outstanding, unique wines and farmstead products from Sonoma County. In turn, we hope to celebrate and support local agriculture and Sonoma County's economy. The new facilities are designed to have minimal impact to the land with use of existing structures, sustainable materials and systems, and an architectural style that blends with the surroundings and existing structures in the area.

Memorandum

To: Melinda Grosch From: Steve Martin
Project: Belden Barns Winery & Farmstead Date: August 7, 2012
Project No.: 2011014 No. of Pages: 1
Re: Winery Siting Narrative

Melinda,

Per your request in our telephone conversation this week, we are providing a narrative regarding the supporting information and reasoning for the proposed new winery building location (within the BV Visual Corridor) at the Belden Barns Winery & Homestead project located at 5561 Sonoma Mountain Road. This written information is consistent with that discussed during our meeting in June. We also appreciate your recommendation of having Preliminary Design Review as soon as possible and prior to the additional requested studies completed due to the impacts of the DR decision on building location.

Building Locations

Phase I buildings utilize existing structures on the property.

- The existing SF barn will be renovated for the conversion of use to a small winery and creamery.
- The existing 2490 SF residence will be reconstructed and serve as both the owner's residence and separate tasting/hospitality space.
- These existing structures are part of the historical farmstead buildings and predate the BV Area Plan & Visual Corridor.

Phase II winery building is located within the existing farmstead building cluster.

- The new winery building is adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building).
- To minimize building exposure and natural earth cooling, the building is built into the hillside.
- The building is screened on three sides by the existing farmstead buildings and on the east side by the existing oak trees and heavily vegetated area.

Siting Information

The existing farmstead building cluster is within the Bennett Valley Visual Corridor. To minimize visual impacts to the area, existing structures are being utilized in Phase I and the Phase II winery building (with workforce housing) is nestled into grade within the cluster of existing buildings. The majority of the property is within the BV Visual Corridor with the south east corner area outside of the corridor. The property area outside the BV Visual Corridor is geologically unstable with a documented landslide surveyed and mapped by Giblin Associates in May, 2002. This area is unbuildable.

In 2002, extensive planning and coordination efforts were completed by PRMD Planning staff, Design Review, Giblin Associates and the prior owner (Steve & Kim Bachman) regarding the location of a new residence. This work concluded in PRMD and DR approving a house location within the BV Visual Corridor.

Supporting Information

The proposed location of the new winery building meets the Goals and Policies of the BV Area Plan although it is within the boundaries of the BV Visual Corridor.

- The proposed new building can not be seen from public roadways or neighboring properties. As stated above, it is screened by existing trees and vegetation as well as existing structures (see photo simulation and rendering)
- Cluster development is being accomplished with the building siting (Goals & Policies I.F.)
- Winery building includes two new workforce housing units satisfying both the Work Force Housing policy and the need for low cost housing (Goals & Policies II.A. & II.B.)
- The winery and farmstead supports the agriculture production on site and supports the "vital rural character" (Goals & Policies III.A.)
- The area of the property outside of the BV Visual Corridor is within an open vista. The proposed location of the winery building supports the Open Space and protects the open vista (Goals & Policies IV.A.)
- Views for public roads and the community are protected with the proposed new location since it can not be seen from any public view shed (Goals & Policies IV.C.)

Mitigation Measures within the BV Area Plan include "Maintain Visual Amenity". The proposed location complies as follows:

- Avoids skyline Development
- Is in harmony with the existing structures, area and natural surroundings
- Does not impact visual/scenic corridors
- Will adhere to the BV Design Guidelines (with exception of being within the corridor)
- Does comply with the General Plan and Zoning Ordinance.

Summary

The proposed Belden Barns Winery & Farmstead is responsibly designed to minimize visual impacts to the public and neighboring properties by utilizing existing farm structures and siting the Phase II building within the cluster of farm buildings. The Phase II building architecture is in concert with the existing buildings on site and the agrarian setting. As stated above the public view shed is not affected by the proposed project structures; the new building cannot be seen outside of the property and the existing structures are part of the natural surroundings. Public safety is protected by not attempting to build in the geologically unstable area that falls outside of the BV Visual Corridor.

I trust the above adequately addresses your request for a narrative summary supporting the building location within the BV Visual Corridor. I look forward to discussing the above and additional supporting photos, renderings, photo-simulations and related information with the DR committee.

Please call if you have any questions or comments.

Regards,



Steve Martin, P.E

cc: Nate Belden

SMA Steve Martin Associates, Inc.

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September 19, 2012

Sonoma County Permit &
Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Attn: Melinda Grosch

Re: Belden Barns Winery &
Farmstead
PLP12-0016
APN 049-030-010
Project No. 2011014

Dear Melinda

The purpose of this letter is to review items discussed during our project meeting on June 19, 2012 in response to your letter dated June 12, 2012 regarding application incompleteness. In addition, we'll provide written response to items No. 1 through No. 7 per your email of today, 9-19-12, though some of these items were addressed at our meeting referenced above as well as in our preliminary Design Review submittal on August 23, 2012 and our Memorandum dated 9-7-12 regarding the requested narrative for the siting of the winery building within the Bennett Valley Visual Corridor.

1. A revised Site Plan showing all new construction outside the Bennett Valley Visual Corridor is not being provided. We had addressed this with you in our meeting on June 19, 2012, the subsequent design review application and further memorandum dated September 7, 2012, which provided the requested written narrative justifying the siting of the building within the BV Visual Corridor. Please set this project for preliminary Design Review as you recommended and have indicated is a first priority in the processing due to being in the visual corridor.
2. Design Review submittal package with the required items (photo simulations, site plans, building plans & elevations, etc.) and multiple copies was provided to you on 8-23-12.
3. Up to 10 special events per year with attendance levels of 60 to 200 people are requested with the UP application. No outdoor amplified music is planned for the events. The event breakdown is projected as follows:
 - 5 events at 60 people maximum
 - 3 events at 100 people maximum
 - 2 events at 200 people maximum

Anticipated event information is as follows:

<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time</u> <u>Period</u>	<u>Attendees</u> <u>(maximum)</u>
Wine Club Member's Event	2	January - December	60
Distributors Tasting & Dinner	2	January - December	60

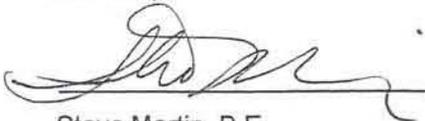
Chef Tastings & Dinner	1	January - December	60
Wine Club Member's Pick-up Event	1	March - October	100
Harvest Party	1	March - October	100
Wine & Farm Product Marketing Event (TBD)	1	March - October	100
Wedding	1	March - October	200
Wine & Farm Product Marketing Event (TBD)	1	March - October	200
TOTAL	10		

Belden Barns plans to participate in selective County-wide industry events.

4. Winery Hospitality Functions: the number of events, description and maximum number of people are as described in the table above. Normal tasting room hours and related visitation will be from 11:00 AM to 6:00 PM. Events described above will be during the time between 11:00 AM to 10:00 PM. Generally, the Wine Club Member events and Harvest Party will be during the day and the Tasting & Dinner functions will be from 5:00 PM to 10:00 PM.
5. Williamson Act Compliance Statement is attached.
6. The winery structure has two attached agricultural employees units. The 2-bedroom unit will be a replacement for the existing Ag Employee dwelling to be removed. The 1-bedroom unit is planned to be a Workforce Housing Unit in order to satisfy the pending Condition of Approval related to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
7. Signed At-Cost Agreement is attached.

I trust the above adequately addresses items #1 through #7 of your June 12, 2012 letter. Please call if you have any questions or comments.

Sincerely,



Steve Martin, P.E.

cc: Nate Belden
attachments



Sonoma County Board of Zoning Adjustments

DRAFT MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: December 19, 2013
Meeting No.: 13-012

ROLL CALL

Commissioners

Shawn Montoya
Paula Cook
Jason Liles (absent)
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Sigrid Swedenborg
Melinda Grosch
Sue Dahl, Secretary
David Hurst, Chief Deputy County Counsel

ADA Accessibility:

1:00 PM Call to order and Pledge of Allegiance

Minutes Approved – October 24, 2013

Correspondence

Planning Commission / Board of Supervisors Actions

Commissioner Announcements/Disclosures

Public Appearances

Items scheduled on the agenda

BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR

Item No.1 Time:	1:05 p.m.	File:	UPE12-0071
Applicant:	Martin Ray Winery	Staff:	Sigrid Swedenborg
Env. Doc:	Mitigated Negative Declaration		
Proposal:	Request for a Use Permit to add 12 special events with a maximum attendance of 75 people to an existing legal, non-conforming winery.		
Location:	2191 Laguna Road, Sebastopol		
APN:	078-100-062	Supervisorial District:	5
Zoning:	DA (Diverse Agriculture) B6 20 acre density, SR (Scenic Resources), VOH (Valley Oak Habitat)		
Action:	Commissioner Lynch moved to continue the item to February 6, 2014 at 1:05 p.m. Seconded by Commissioner Cook and passed with a 4-0-1 vote		

Amy Rodney, Sonoma Mountain Road, 30 year resident, is a nearby neighbor and also complained that she had not received a notice of public hearing. She expressed concern that there were no geological or water studies included. She was concerned about traffic on the narrow country road, and noise impacts. She supports the letter submitted by Bill McNearney, and said there are two other projects in the works nearby: The Open space trail to Jack London Park and the Zen Center expansion. This will be a 3rd impact on the road, and there is no room as it is. Ms. Rodney said that precedent could be set for other wineries on the road. The Bennett Valley community was not notified till the last minute. The County's involvement is not transparent, which it should be. Rodney recommended denial until the McNearney letter was considered and addressed.

Fred Kluth, Sonoma Mountain Road resident, expressed concern about environmental impacts from the project and the open space projects. At Crane Canyon, people park on the road to get out of paying to park, causing congestion on the road. Many bike tours also use the road. No consideration was given to traffic coming from Glen Ellen. Mr. Kluth expressed concern about wine buses and possible conflict with the Bennett Valley Area Plan. There are many places on the road where it is only wide enough for one car. Mr. Kluth did not think the parcel could support a 10,000 case winery and cheese facility. He was concerned about the impacts of the rooflines on those living above the site.

Donna Parker, Sonoma Mountain Road resident for 26 years is the closest neighbor. She said the Beldens live in San Francisco and don't have to drive on the road every day like the full time residents. She received the initial notice about the intent to put in the project September of last year, and was shocked when she got the newest notice. Many neighbors were not aware of the timing. When the Beldens had their neighborhood meeting, only five neighbors were there. Sonoma Mountain Road from Warm Springs Road to Bennett Valley Road will be directly affected by proposal, and Enterprise Road, and residents deserve right to know about project. Parker said she called the Bennett Valley Community Association and they did not know about the project.

Jim Casciani, Sonoma Mountain Road, favors a cap on the number of cars allowed into the tasting room on a daily basis, and expressed concern about precedent because this is the first winery to have a tasting room on the mountain. It will affect traffic.

Craig Harrison, Sonoma Mountain Road, sent a letter from Bennett Valley Community Association, and thanked Belden for changing his business plan. Harrison is the President of "Save our Sonoma Roads." The BZA members are all appointed by the Board of Supervisors and the condition of Sonoma Mountain Road is atrocious. Sonoma County is an affluent county, and has the worst roads in the entire Bay Area. According to the Road Warrior column in the Press Democrat, Sonoma Mountain Road is one of the two worst roads in the county. A petition signed by 500 people complaining about roads was delivered to the supervisors. They are supposed to make a decision in January of how much of the \$8,000,000 transportation budget will go towards road repair. Harrison stated that the county officials have failed badly.

Scott MacIntosh, Sonoma Mountain Road 41 year resident, opposed the project based on road conditions and said that 10,000 cases of wine would require 149 tons of grapes, and they will have to be imported.

Eilene Berger, Sonoma Mountain Road, stated that the entire Sonoma Mountain Road is in a priority conservation area by the Metro Transportation Committee and ABAG, which allowed them to divert trans funds from roads to trailheads and bike lanes. The area is targeted for public access, which Berger had no problem with, but she expressed concern that transportation funds are being diverted from road repair to create trailheads.

Dixie van der Kamp, Sonoma Mountain Road, since 1989 stated that she supports maintaining the scenic rural nature and identity of the road. She expressed concern that parking will be visible, and wanted minimal signage that will not impact the rural setting. She asked if product will be imported, and added that this would influence her opinion about the project.

Noreen Belden thanked everyone for their time and input. The concern about road condition overshadows the project's benefit to the local community. The road needs work. The Beldens currently live in San Francisco, but plan to move to the property. The project will benefit the community by hosting family friendly events, and bringing people closer to agriculture and nature. The project will only generate 17 extra cars a day because of the tasting room, but they will have to import milk for the cheese. The Beldens hope to become closer with the neighbors because of the project.

Bill McNearney, Sonoma Mountain Road, asked the BZA to send the project back to planner and said the notification process was very poor, and the 300 foot requirement in rural areas is ridiculous. The planner should be directed to expand outreach, and the site was not posted. According to Mr. McNearney, it is insane to increase traffic on the road. The Planner did not mention consulting with Public Works in the mitigated negative declaration, and there were no written comments. Engineers would comment that the road can't support the additional traffic. The BZA is required to ensure projects are compatible with health safety and welfare of neighborhoods.

Michael Bates, Sonoma Mountain Road, said the road is in the worst shape it has been in for 30 years, and the idea that it will be improved is unrealistic since it was never laid out properly in the first place. The soils expand and pop the pavement surface. If widened, trees would have to be cut down. The project will affect quality of life by increasing traffic, and this will be directly related to commercial use. Bates expressed concern about party vans, limos, and said traffic would be difficult to control and once allowed, it would be hard to stop. While supporting the Beldens, Mr. Bates was very concerned about the impacts to traffic from the project.

Tom Hauck, Sonoma Mountain Road, complained at the lack of public notification and said he only recently found out about the project. He lives east of the site, and said the road is a disaster waiting to happen. Bike traffic is already a problem, and the new Open Space trailhead will generate traffic. Before deciding on this project, the other proposed projects need to be analyzed for traffic. While Mr. Hauck agreed that direct sales are the way to make a profit, more consumers will mean increased traffic. He opposed weddings and was concerned about the impact of commercial use on the road.

Tamara Boulton, Pressley Road, expressed concern about precedent, and said the project is too much for the area and is not consistent with the Bennett Valley Area Plan regarding property size and use. The impacts will be detrimental to the area residents. The plan calls for preservation of rural character, and is more specific than the General Plan. The Board has upheld the Bennett Valley Area Plan. The increase in traffic will change the scenic character of the road and the proposed tree cutting around the driveway is significant. Ms. Boulton supports agriculture, but sees the subject project as more of a commercial venture. The project will create safety concerns and if the County runs in to fix the problem, it could violate the area plan. The Plan has been around since 1978, and Sonoma Mountain Road is not the type of road to support commercial uses. The project may violate General Plan policy AR5(f), and the area is known for spotty water. The project could affect the water table. The lighted parking lot could cause visual and nighttime pollution. The traffic report failed to mention that there are Golden eagles on the property. Everything possible should be done to protect Cooper's Grove. Ms. Boulton thought that the traffic study was inadequate and did not take into consideration the narrowness of the road, the curves and the grade. The project needs further analysis before it is approved.

Nathan Belden, on rebuttal, thanked the speakers for their comments, said they are rational and he understands. He expressed frustration with the process, and has been working on it for two years. He is not sure, however, if proper notification would have changed anyone's point of view. He added that 10,000 cases is not a lot of wine and his acreage can generate enough grapes for that amount. Mr. Belden said that environmental issues are important to him, and he has been involved on many environmental committees. He acknowledged that there are raptors on the property, and he likes them because they keep the vineyards free from rodents. Mr. Belden stated that he hates overuse of land, and said that ten cows could produce enough milk for the cheese. He needs an economically viable project to support his investment in equipment and providing a cheesemaker. He intends to maintain the rural character of the area, and parking will not be visible from the road. He does not plan to have a lot of lighting. The family plans to move up to the property next May. Mr. Belden said that he did not agree about concern for traffic, as the tasting room would only result in about 3 cars an hour over a ten hour period.

Steve Martin, SMA, claimed that at ultimate capacity, with cheese making and maximum visitors, the project would add 61 trips per day (30 cars). Wineries don't start out at ultimate production, and the average residence adds about 10 trips per day to the road. The LOS is "A" in volume and delays. The project will not change the LOS. W-trans said would have to be 5 times higher to change the LOS. The W-trans traffic study was submitted and reviewed by Sonoma County Public Works peer review and they provided conditions. All traffic impacts have been mitigated, and most concern sight distance at the entrance, and include clearing and tree trimming.

Sonoma Mountain Road is typical for this county, about 18 feet wide, and the roads exist primarily for cars, not cyclists and pedestrians. The project was properly noticed and the owner met with neighbors. The full CEQA process was conducted. The project is an agricultural production facility, not a commercial use.

On site roads will be permeable, SUSMP and BMP's have been incorporated, and Martin did not think that the project would set precedent. There are no plans for wine buses, which actually end up decreasing net traffic. Counters put out for traffic study. Parking will not be visible, and signage is subject to Design Review and will be minimal. The collision report part of traffic study showed that accidents are under the state average on Sonoma Mountain Road.

Commissioner Fogg asked if the traffic study included the Zen Center and Open Space trailhead. Martin said that it did not.

Commissioner Fogg said he was unsure how the Bennett Valley Area Plan should affect his decision. While not seeing a General Plan or zoning conflict, he did ask for more information about the specific plan.

Commissioner Fogg wanted to expand the traffic study to include projected traffic from the Zen Center and Open Space trailhead and to include traffic coming from Glen Ellen and Bennett Valley. Consideration should be given to coordinating events with the Zen Center. The staff report needs to clarify that there will be no overnight accommodations, and the extra housing will only be used for agricultural personnel per county regulations.

Commissioner Fogg wanted Jon Tracy's input about the water use. Will a new well need to be drilled?

Commissioner Fogg stated that the BZA does not have much influence on road conditions. Its job is to enforce and interpret General Plan land use designations. The Board of Supervisors holds the power of the purse, and **Commissioner Fogg** recommended that people attend Board hearings when allocation of road funds are up for discussion.

Commissioner Fogg asked that the phasing process be clarified, and to be sure to include the two year review condition. He asked Counsel to review the challenges to the mitigated neg dec in the letter received late from Mr. McNearney dated December 16th. He asked staff to check to make sure that raptors, birds and bats are covered in the environmental document, and to address or make recommendations about signage.

Regarding noticing complaints, **Commissioner Fogg** remarked that what makes good noticing sense in an urban area does not make sense in rural areas. He suggested giving the applicant a list of the speaker names from the hearing, and to have town hall sessions. The world is settled on compromise.

Commissioner Fogg asked for more input from Public Works, and commented that when trees are cut down and road improvements done, often the speed limit increases, resulting in other problems.

Commissioner Fogg supported the comments made by Ms. Boulton, and asked staff to contact Open Space District for comments.

Commissioner Cook commented that the property is zoned LIA and the use is appropriate, and the residents should consider themselves lucky that this is the only winery in the area, as there are many areas of the county where the impacts are much more egregious. She opposes weddings on LIA lands, and supported getting people on the land to learn about ag. She acknowledged concern about the road and said the way to deal with it is to mitigate the number of cars. Sonoma County is a very difficult place to develop, and the owner had spent thousands. The BZA depends on the experts and it is hard to discount their reports. If people are unhappy with how projects are notified, then they should write letters to those in charge of the regulation. **Commissioner Cook** liked the design, and said that the conditions cover everything.

Commissioner Lynch concurred with the comments and added that you can't penalize the applicant for road conditions, which is a common complaint in the county. He thought the application was reasonable.

Commissioner Montoya commented that the Belden's 55 acres is zoned LIA, and they have property rights. He wished that Dalene Whitlock had been at the meeting as he had questions for her. He asked that she be invited to the next hearing.

Commissioner Fogg moved to continue the item off calendar. It will be renoticed to broader audience and include the associations. The public hearing will be reopened for new information.

Action: **Commissioner Fogg** moved to continue the item off calendar. Item will be renoticed.
Seconded by **Commissioner Cook** and passed with a 4-0-1 vote

Appeal Deadline: n/a
Resolution No.: n/a

Fogg: aye	Lynch: aye	Liles: absent	Cook: aye	Montoya: aye
Ayes: 4	Noes: 0	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: PLP12-0016
DATE: December 19, 2013
TIME: 2:00 p.m.
STAFF: Melinda Grosch, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Nathan Belden

Owner: Nathan Belden

Location: 5561 Sonoma Mountain Road, Santa Rosa
APNs: 049-030-010 Supervisorial District No.: 1

Subject: Request for a Use Permit and Design Review

PROPOSAL: Request for a Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales of farm products, wine, cheese and other farm product tastings by appointment only, and 10 Agricultural Promotional events per year on a 55 +/- acre parcel.

Environmental Determination: Mitigated Negative Declaration

General Plan: Land Intensive Agriculture 40 acre density

Specific/Area Plan: Bennett Valley Area Plan
Land Use:

Ord. Reference: Section 26-04-020 of the Sonoma County Code

Zoning: LIA (Land Intensive Agriculture) B6 40/40

Application Complete for Processing: September 3, 2013

RECOMMENDATION: Approve the request for a Use Permit and Design Review for a new agricultural processing facility and tasting room with events with mitigation measures and conditions.

ANALYSIS

Background:

The Belden Barns site is an old farm complex with three dwelling units and several old barns and other out buildings that are fairly typical of early 20th Century construction. One of the dwellings has already been remodeled and upgraded. The remaining buildings have been maintained over the years and some modifications have occurred but they remain much as they have always been. The site is currently planted in 25 acres of wine grapes, pasture, fruit orchard and vegetable plot and has a small area of land that could be grazed.

Several previous owners have tried to build new structures on this parcel that would have been located within the Bennett Valley Visual Corridor. One of the requests for construction of a new residence in this area was appealed to the Board of Supervisors and was ultimately denied. The second attempt to build a new residence by the subsequent owner was approved based on a geological study showing that the area located outside of the Visual Corridor is an old landslide and is geologically unstable. However, the house was never built and eventually the property was sold to Mr. Belden. Mr. Belden rebuilt one of the dwellings on site, slightly expanding the footprint but otherwise keeping the look of the structure intact.

Project Description:

The project consists of a request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting, and 10 Agricultural Promotional events per year. The 55-acre parcel is located easterly of the intersection of Pressley Road and Sonoma Mountain Road.

Phase I utilize existing structures on the property.

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added for the creamery and 530 square feet will be added to the milking shed.
2. The existing 2,490 square foot residence will be replaced with a 4,270 square foot primary residence for the owner and will also house a tasting/hospitality area, commercial kitchen, and administrative office space.
3. Demolish the 1,780 square foot garage with a second floor residence.

Employees in Phase I: Four Full-time and two part-time during non-harvest increasing to six full-time during harvest and bottling. Not including agricultural workers.

Phase II winery building is located within the existing farmstead building cluster.

1. The new 8,300 square foot winery building will be constructed adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building).
2. Add 1,090 square feet to the existing barn.

Employees in Phase II: Five full-time and four part-time during non-harvest increasing to seven full-time during harvest and bottling. Not including agricultural workers.

Events

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

Hours of Operation

Hours of operation for winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

Site Characteristics:

The site slopes downward from the south towards the north. The existing buildings are all located on the northeasterly portion of the property. The site has been planted in vineyards which occupy roughly 25 acres of the site. There is an irrigation pond located in the southwestern portion of the property.

Surrounding Land Use and Zoning:

Land to the North: LIA B6 40/40 and RR (Rural Residential B6 15 acres per dwelling unit/ 5 acre minimum with the Z (Second Dwelling Unit Exclusion) and SR (Scenic Resources) combining districts. The parcel due north is planted in vineyard. Other parcels to the north are undeveloped with permanent crops but may be used for pasture.

Land to the East: DA (Diverse Agriculture B6-20 acres and RRD (Resources and Rural Development) B6-40 acres per dwelling unit/10 acres minimum with the BR(Biotic Resources) and SR (Scenic Resources) combining districts. The land is owned by the Sonoma County Agricultural Preservation and Open Space District and is open land not planted in crops.

Land to the South: LIA (Land Intensive Agriculture) B6-20 acres per dwelling/20 acres minimum and RRD (Resources and Rural Development) B6-40 acres per dwelling/40 acres minimum with the SR (Scenic Resources) combining districts. This land is owned by the Sonoma County Agricultural Preservation and Open Space District and is open land not planted in crops.

Land to the West: LIA (Land Intensive Agriculture) B6-20 acres per dwelling/20 acres minimum with the SR (Scenic Resources) combining district. There are vineyards to the immediate west and open lands not planted in crops.

DISCUSSION OF ISSUES

Issue #1: General Plan and Zoning Consistency

The property has a General Plan designation of Land Intensive Agriculture 40-acre density. The Zoning designation is LIA (Land Intensive Agriculture) with a density of 40-acres per dwelling unit and a 40-acre minimum parcel size and a SR (Scenic Resources) combining district. The LIA district allows a range of agricultural processing and promotional activities governed by a number of General Plan policies.

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.

The parcel has approximately 25 of the 55 acres planted in vineyard and is under a Williamson Act Contract (see separate discussion of Williamson Act criteria below). Additional acreage will be devoted to grazing and approximately one acre is currently used for vegetables. The vegetable garden is planned for expansion and the addition of a small orchard. While the proposal includes events and retail activities the primary use of the property will continue to be agricultural production and processing.

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.

The project proposal states that they would process grapes grown on-site and in the area and milk from animals pastured on site or in the area consistent with the General Plan goal.

Objective AR-5.1:

Facilitate County agricultural production by allowing agricultural processing facilities and uses in all agricultural land use categories.

The site is designated Land Intensive Agriculture and the expansion of the processing facility is a use permitted with a Use Permit in the LIA zone.

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.

The site has an agricultural land use designation, Land Intensive Agriculture. The site is planted with grapes that are to be used at the winery. The site is located in an area with other vineyards. The winery will support the vineyards on site and in the area. The cheese processing facility will process milk from animals pastured on-site and from other areas of Sonoma County supporting the remaining dairies in Sonoma County.

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.

The proposal includes a case goods storage area of 470 square feet in the 8,300 square foot winery building. Case goods are considered a finished product, and should generally be stored in warehouses on industrial land rather than utilizing prime agricultural lands, however, some storage for direct sales is acceptable. The storage area is about 5% of the total floor area. This is less than the maximum of 15%

that has been allowed in some cases. The 5% is typical for wineries that include "direct to consumer" sales.

Policy AR-5f:

Use the following guidelines for approving zoning or permits for agricultural support services:

- (1) The use will not require the extension of sewer or water,*
- (2) The use does not substantially detract from agricultural production on-site or in the area,*
- (3) The use does not create a concentration of commercial uses in the immediate area, and*
- (4) The use is compatible with and does not adversely impact surrounding residential neighborhoods.*

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.

The tasting room and events would promote wine and cheese made on-site. Items sold in the tasting room include other products grown on-site such as fruits and vegetables and eggs. The project has been conditioned with a requirement that this policy must be met. 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. There are no other wineries on this section of Sonoma Mountain Road. The nearest wineries are Sable Vineyards and Katrina Wilhelm approximately 3-miles by road (roughly 2 miles "as the crow flies"). Both are located near the intersection of Bennett Valley Road and Sonoma Mountain Road and Bennett Valley Road. Sable Ridge is located off of Jamison Road and Katrina Wilhelm is located off of Batesole Drive. Sable Ridge is a processing only facility while Katrina Wilhelm includes a tasting room along with the processing. Neither is approved for events. There is not a concentration of wineries in this area.

The events establish name brand recognition for the winery. In the Sonoma County Zoning Ordinance the LIA district allows for promotion of agricultural products grown or processed in the county.

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.*

The proposed tasting facilities will primarily be used to promote wine and cheese produced on site. The project has been conditioned with a requirement that retail sales of products grown or processed in Sonoma County are permitted in the tasting room to the extent such items are clearly secondary, incidental, and related to the primary promotional products of wine and cheese produced on-site in accordance with General Plan Agricultural Resources Element policies.

- (2) The use is compatible with and secondary and incidental to agricultural production activities in the area.*

In this area the primary agricultural production activity is vineyards for the processing of wine. The winery would facilitate the processing of grapes into wine and the cheese facility will process milk from animals on-site and from elsewhere in Sonoma County into cheese. The farm complex will cover about 2.2 acres of the 55-acre site, therefore, it is considered incidental and secondary to agricultural activities on site and in the area.

- (3) The use will not require the extension of sewer and water.*

The Project Review Health Specialist requested that a groundwater study be prepared and one was prepared by E. H. Boudreau. Mr. Boudreau determined that it is not likely that the project would

substantially deplete groundwater supplies. This is a Zone 3 water availability area and the project should not cause a drop in water levels in nearby wells. The 55-acre parcel has adequate area for expansion of the septic system.

(4) The use is compatible with existing uses in the area.

Currently there are no other wineries on Sonoma Mountain Road in this area. The Sonoma Mountain Zen Center is located to the east of the subject property. The Zen Center has been in this location for many years and is currently going through a Use Permit process to cover some additional uses not included in the original permit.

(5) Hotels, motels, resorts, and similar lodging are not allowed.

There are no accommodations associated with this request.

(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.

Events must be directly related to the promotion and marketing of the wine. The applicant states, "We plan to implement programming including wine pick-up events, chef dinners, selective county-wide industry events, limited weddings, and other events to introduce potential and current customers to our wines and farmstead products."

Policy AR-6f:

Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, 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 may constitute grounds for denial of such uses. 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.*
- (2) Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.*
- (3) Whether the above uses would be detrimental to the rural character of the area.*

Currently there are no nearby wineries or other visitor serving uses with the exception of the Sonoma Mountain Zen Center approximately 1.5 miles to the east and Cooper's Grove, a Sonoma County Agricultural Preservation and Open Space District property, is located between the two sites. The Cooper's Grove property has limited public access and generates very little in the way of traffic on Sonoma Mountain Road. There are no public improvements so it does not use water or have any septic system. The proposed project does not result in a local concentration of visitor and recreational uses that would impact agricultural uses. However, there may be impacts to the roadway as discussed in Issue # 5 below.

The Sonoma County Zoning Code Section 26-040-20 (Uses permitted with a use permit) includes the following sections which allow for processing and tasting rooms:

- (f) 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;*

- (i) *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-6f. This Subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g);*

Issue #2: Bennett Valley Visual Corridor and Design

The current development, a potentially historic farm complex, is completely within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion (see Exhibit F- Overall Site Plan, on which the Bennett Valley Visual Corridor is mapped). The old farm complex buildings are all old enough to be potentially designated as a landmark. The proposal includes remodel of some of the structures but two of the single family dwellings will be demolished and replaced with units inside the new winery building. The new winery building is planned at 8,300 square feet with the building set into the slope somewhat to take advantage of natural earth cooling and screening provided by the existing building, trees, and the earth. Staff initially had serious reservations about the location of the new structure and its size as the Bennett Valley Visual Corridor specifically prohibits new development in this area. The applicant provided a site plan and photo-simulations showing that the building will be minimally visible from Sonoma Mountain Road. The applicant has provided reasons that he feels the proposal is consistent with the exceptions allowed in the Bennett Valley Design Guidelines for the placement of structures in the Visual Corridor. The primary reason is the area outside the Visual Corridor designation is geologically unstable due to an historic landslide. At 407 +/- feet from Sonoma Mountain Road, the proposed development is consistent with the standard Scenic Corridor setback and all proposed new construction is consistent with building height standards and other setback criteria established by the Land Intensive Agriculture zoning designation.

During a site visit staff did agree that the proposed buildings would be screened from view from public roads and parks by existing vegetation. The project has received preliminary review from the Design Review Committee. They recommended some changes to the style of the buildings, the driveways and parking areas, lighting, and colors, with additional information to be called out on the site and floor plans. The Design Review Committee requested that the Bennett Valley Visual Corridor be added to the site plan thus clearly showing the convergence of the slide area with the area outside the Visual Corridor. With these changes the Design Review Committee gave preliminary approval to the design aspects of the project and concluded that the proposed project meets the criteria to allow construction within the Bennett Valley Visual Corridor.

The project is to be brought back to the Design Review Committee after the Board of Zoning Adjustments' action. They will be reviewing all aspects of the project's conformance with requirements that all development be well screened, that the proposed colors and materials are harmonious with the existing old structures, and that appropriate native and agricultural plants are used for the landscaping.

Issue #3: Historic Structures

The project site has a number of existing structures including three dwellings, a barn and some other structures, one of which the applicant has determined is an old stage stop/dance hall building. Staff and the Northwest Regional Information Center at Sonoma State University were concerned that the buildings might have historic status. Two of the structures are to be demolished and replaced and the others are to be substantially remodeled thus potentially destroying the historical value of the structures if not the structures themselves. An historical evaluation of the farm complex was requested to help define this issue. The applicant hired Tom Origer & Associates and Vicki Beard M.A. reviewed the site and prepared the report, *Historical Evaluation of the Belden Barns Complex, 5561 Sonoma Mountain road, Santa Rosa, Sonoma County, California*, in March 2012.

According to the study the farm complex was started in the mid 1800's by Alexander Sutherland. Despite the age of the farm, the evaluation determined that most of the buildings have been heavily modified over the years and do not have any architectural features that have a significant historical context.

Additionally, neither the farm nor the Sutherland family is associated with a significant part of Sonoma County's history. The study thus concludes that the farm complex does not qualify as an historically significant resource.

Staff for the Landmarks Commission was asked to review the study to see if they agreed with the conclusion of the study. Based on the information in the study Landmarks staff determined that the project did not require review by the Landmarks Commission.

Issue #4: Number of Dwelling Units

Currently the property is developed with three residential units, one primary unit and two Legal Non-Conforming units. The two Legal Non-Conforming units will be demolished. The applicant is proposing one new primary unit (which will also house the tasting and hospitality functions) and two Agricultural Employee Units in the Winery building to replace the two Legal Non-Conforming residences (PLP06-0021). The existing primary dwelling will become a Farm Family Unit, resulting in a total of four dwelling units. The LIA (Land Intensive Agriculture) Zoning Designation provides for two types of dwellings that are related to agricultural uses of the property; one is a Farm Family Unit and the other is an Agricultural Employee Unit. The criteria for a Farm Family Unit are:

Sec. 26-04-010.(h). Permitted uses.

- (2) *One (1) detached farm family dwelling unit per lot provided that a Williamson Act contract is in effect and that the following requirements are met:*
- i. An agricultural easement having a term equal to the useful life of the structure, but in no event less than twenty (20) years, shall be offered to the county at the time of application,*
 - ii. A covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that, in the event that the agricultural use is terminated on the property, the farm family dwelling shall become a nonconforming residential use;*

None of the units are currently designated as a Farm Family unit. However, the applicant is proposing to designate the existing primary as the Farm Family unit. Only members of the farming family may live in a Farm Family unit.

The criteria for Agricultural Employee Units are:

- (3) *One (1) dwelling unit for full-time agricultural employees for each of the following agricultural uses conducted on the site:*
- i. At least fifty (50) dairy cows, dairy sheep, or dairy goats,*
 - ii. At least twenty (20) acres of grapes, apples, pears, prunes,*
 - iii. At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg-layers or three thousand (3,000) turkeys,*
 - iv. At least one hundred (100) non-dairy sheep, goats, replacement heifers, beef cattle, or hogs,*
 - v. At least thirty (30) mature horses,*
 - vi. Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field-grown plant materials,*

- vii. *Any other agricultural use which the planning director determines to be of the same approximate agricultural value and intensity as Subsections (h)(3)(i) through (vi) of this section;*

No structure is currently designated as an Agricultural Employee structure. While an unlimited number of Agricultural Employee residences is possible if the property has enough qualifying agricultural uses, this property can only support one Agricultural Employee residence based on 25 acres of vines. The applicant is planning to add some additional agricultural uses. If another qualifying unit of agriculture is added then an additional Agricultural Employee unit can be added.

The applicant calls the one-bedroom unit in the Winery a "Workforce Housing" unit intended to meet the requirements of the Workforce Housing ordinance as reflected in Section 26-89-045 of the County Code. As the parcel is under a Williamson Act contract both units must comply with the restrictions on dwellings in the *Uniform Rules for Agricultural Preserves and Farmland Security Zones*. Therefore, the units must both qualify as Agricultural Employee Housing although they can still qualify as "Workforce Housing."

A condition of approval requires that all dwelling units comply with both the Williamson Act contract and Zoning Code criteria prior to issuance of any building permits for new dwelling units. At this time only three units are allowed. The fourth unit is contingent on additional qualifying agricultural uses being made of the property.

Issue #5: Biotic Resources

The California Natural Diversity Database does not list any species of concern for this site. Additionally, no tree removals will be involved in the construction of this site with the exception of one small live oak. A row of non-native cypress trees lines the driveway near the location of the proposed structures that may provide nesting habitat for birds. The property owner has installed raptor boxes in the vineyard but these are a fairly long distance from the proposed construction.

It is possible that the existing barn that is to be converted to the creamery is used by owls or bats. Since the barn has been in continuous use in conjunction with the agricultural uses of the land it is assumed that any owls or bats using the space are tolerant of some human activity. However, construction will likely result in disturbance to the physical space and thus displacement of any species in the area.

A study was requested and the report, *Biological Assessment, Belden Barns – Winery and Farmstead, 5560 Sonoma Mountain Road, Santa Rosa, CA 95404, APN 049-030-010*, was prepared in May 2013 by Kjeldsen Biological Consulting. The study looked for both plants and animals in the area where the new buildings, renovations, and driveways will be; a relatively small portion of the property.

The study concludes that the "project footprint is within a developed landscape or routinely disturbed agricultural lands, and as such will not significantly contribute to habitat loss or habitat fragmentation." Therefore, it is not anticipated that the proposed project will impact any special status plant or animal species. No special status species were observed during the study and no raptor nests were discovered in the trees nearest the proposed project site. However, staff was still concerned about the potential for the disturbance of owls and bats and mitigation measures have been included to ensure that there are no significant impacts on any that may be using the barn (Condition # 85 & 86).

Prior to reconstruction of the barn, the applicant shall hire a qualified bat and bird specialist to conduct a pre-demolition survey during the time when bats or barn owls would be expected to be present and active (i.e., early April) to determine the presence of roosting bats or nesting owls. If no evidence exists that either bats are roosting or owls are nesting in the barn, then no further mitigation is required.

If roosting bats or nesting owls are determined to be present, the applicant shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to the barn, to the extent feasible. Based on recommendation from a bat and bird specialist, appropriate exclusion devices shall be installed at to prevent roosting bats and nesting owls from being in the facility

when demolition and reconstruction occurs. The replacement roosting facility shall be monitored weekly during the first month after installation and then once every three months until activities are completed to document bat utilization.

In addition the study notes that the drainage along the easterly property boundary is a sensitive habitat and will require protection during construction of the project. County policy requires a 50-foot setback to the top-of-bank of the "blue-line" streams identified by the US Geological Survey and this drainage is not shown as a blue-line stream. The report recommends a 30-foot buffer and protective fencing along the drip line of the riparian canopy.

Issue #6: Traffic

Sonoma Mountain Road is a narrow rural road with no shoulders in this area. Staff had concerns about adding traffic, especially event traffic, to this roadway. A traffic study was requested and in August 2013 a Focused Traffic Study was prepared for the project by Sam Lam and Dalene Whitlock of Whitlock & Weinberger Transportation, Inc. (W-Trans). The Study reached the following conclusions:

- i. The project would generate an average of 71 new daily trip ends over existing levels with 13 trips during the weekday p.m. peak hour and 6 during the weekend midday peak hour.
- ii. Internal roadways do not meet the minimum Fire Safe Standards for Sonoma County.
- iii. Sight distances at the project driveway are adequate for outbound right-turn and inbound left-turn movements.
- iv. Sight distance at the project driveway is inadequate for outbound left-turn movements.
- v. A westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway.
- vi. Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway.
- vii. The driveway entrance and internal roadways configuration will accommodate a heavy-duty 10-wheel bottling line truck.
- viii. Adequate parking for employees, tasting room visitors, and Agricultural Promotional events has been included in the design of the project.

Sonoma Mountain Road in the vicinity of the project has very low traffic volumes and accident rates are below the state average for this type of roadway. The report recommends two actions to address on-site safety and sight distances from the driveway entrance onto Sonoma Mountain Road. The implementation of these two measures will reduce potential impacts to less than significant.

In order to resolve potential issues with the internal roadway/driveway W-Trans recommends widening all internal roadways/driveways to a 20-foot cross section or the installation of turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.

Site distances can be improved through some vegetation management along Sonoma Mountain Road. The consultant recommends that the applicant obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance

program will be developed in conjunction with Sonoma County Public Works to ensure that the sight distance is maintained.

Issue #7: Williamson Act Compliance

The site is included in a Prime Williamson Act contract entered into in 1974. Thus, there is the potential for conflicts with the Williamson Act. The maximum area of the property that can be devoted to buildings is 15% of the parcel with a maximum of 5 acres. The development will cover about 2.2 acres (4%) in the area that has always been the farm building complex. The applicant has prepared documentation of how they continue to maintain compliance with the Williamson Act.

- a. The parcel will continue to have a minimum of 25 acres planted in vineyards with several proposed additional agricultural uses, including grazing of dairy goats or cows, vegetable gardens, and an orchard.
- b. A minimum income level of \$1,000 per acre per year will be maintained.
- c. Other uses will be Compatible and all dwellings will be occupied by the owner or people occupied in the agricultural uses.

The new Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (adopted in 2011 and amended in 2013) includes provisions for determining whether a use is compatible. The following rules are the most relevant:

Uniform Rule 11.1 requires that prior to issuance of any permit for development or use of contracted land (other than qualifying agricultural or open space uses), PRMD must determine that the proposed development or use complies with the contract and the uniform rules.

Uniform Rule 8.0 - Compatible and Incompatible Uses, requires contracted land to be devoted to agricultural or open space uses. However, the County recognizes that it may be appropriate to allow other uses of contracted land that are compatible with the agricultural or open space uses on the land and the following two categories apply to this project:

8.3 Compatible Uses - Agricultural Contracted Land: Category B.2. Agricultural Support Services: Sale and marketing of agricultural commodities in their natural state or beyond, including winery tasting rooms, promotional activities, marketing accommodations, farmer's markets, stands for the sampling and sale of agricultural products, livestock auction or sale yards, and related signage.

8.3 Compatible Uses - Agricultural Contracted Land: Category G.1. Miscellaneous: Special events, when directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, provided that:

- a. *The events last no longer than two consecutive days and do not provide overnight accommodations; and*
- b. *No permanent structure dedicated to the events is constructed or maintained on the contracted land.*

The applicant has provided a Williamson Act Compliance statement showing that the property remains in compliance with the contract (see Exhibit N). Additional agricultural uses will be undertaken with the proposed project, including using approximately 10 to 15-acres for grazing of cattle or goats for milk for the cheese operation, approximately one and a half acres for a vegetable garden and orchard. The winery and cheese production are clearly compatible uses under Category B.2. and the promotional events and uses proposed fall under Category G.1.

The County has found that agricultural promotional events are a compatible use for agricultural land under Williamson Act Contracts because they are a marketing tool to insure the long term viability of wine sales or other agricultural products produced on site. Events which promote agricultural products grown or produced on site are usually similar to those produced or grown elsewhere in the County thus

agricultural promotional events at one site tend to promote the long-term viability of agriculture within the county. In these cases, agricultural promotional events require a Use Permit and are limited by conditions to prevent conflicts with agricultural operations. Because the events are limited by conditions, the temporary increase in population does not hinder the operations and is considered supportive of agriculture.

Agricultural Promotional events generally would not compromise agricultural capability because they are marketing tools to help sell wine, cheese, or other agricultural products produced on site which provides for the long term viability of the farm or ranch. The proposed Agricultural Promotional events would not affect agricultural capability or other surrounding contracted lands except in positive ways because Agricultural Promotional events help promote local agricultural products which enables the purchase of grapes, milk, vegetables, etc. from other growers, further promoting the local agricultural industry.

Issue #8: Geology

As noted under Issue 2, above, the site has an historic landslide area. Staff requested that the landslide area be examined to determine whether it could support development or not since the area of the slide is the area outside the Bennett Valley Visual Corridor. A study of the site was prepared by Reese & Associates in May 2013. The study is summarized in the report, *Preliminary Geologic Evaluation, Belden Barns Winery and Farmstead, Santa Rosa, California*. The report confirmed that there are two landslides on the property. The slides were identified as being 340 feet upslope of the area where development will occur. The report concludes "that these slides are a sufficient distance away from the proposed improvements such that no mitigation measures are warranted." Therefore, reusing existing buildings and locating new buildings within the existing farm complex will avoid the geological hazard and avoid disturbing the vineyards.

Brian F. Piazza, Staff Geologist and Jeffrey K. Reese, Civil Engineer of Reese & Associates also reviewed the area proposed for development. In the report they state that they "encountered about 2-feet of weak porous soils underlain by about 3 1/2-feet of highly expansive clays." The report offers three possible methods of resolving the issue of expansive soils. These are: 1) Removal of the weak soils and replacement with non-expansive fill, 2) Use of drilled piers and grade beams, and 3) post-tensioned or mat slab foundations. All of these are standard building methods used in Sonoma County for areas with unstable soils. These types of soils are relatively common in Sonoma County so methods of resolving them are well accepted and have proven to work well. Additionally, the Evaluation proposes a detailed geotechnical evaluation prior to design to address these issues.

Issue #9: Groundwater Availability/Impacts

The site is located in a Zone 3 Groundwater Availability Area, therefore a groundwater study to address General Plan requirements of WR-2e, a geological report prepared by a Registered Geologist, addressing Water Availability according to the General Plan requirements of WR-2e was requested. The policy reads as follows:

Policy WR-2e (formerly RC-3h): Require proof of groundwater with a sufficient yield and quality to support proposed uses in Class 3 and 4 water areas. Require test wells or the establishment of community water systems in Class 4 water areas. Test wells may be required in Class 3 areas. Deny discretionary applications in Class 3 and 4 areas unless a hydrogeologic report establishes that groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or subbasin. Procedures for proving adequate groundwater should consider groundwater overdraft, land subsidence, saltwater intrusion, and the expense of such study in relation to the water needs of the project.

E.H. Boudreau, Registered Geologist #3000 was hired to prepare the study. In August 2013 a report titled, *Geology & Ground Water Potential, Belden Property, 5560 Sonoma Mountain Road, Santa Rosa*,

California, was provided to the Project Review Health Specialist. The Project Review Health Specialist had some questions about certain aspects of the study and requested additional information. An addendum to the study was prepared on October 11, 2013 and submitted to this department on October 11, 2013. The study reports that the vineyards are irrigated from the on-site, sheet flow fed pond and that water usage for the winery/tasting room, cheese making, orchards and garden, dwelling unit, and pastured animals is approximately 2.26 acre-feet per year, well below the estimated 14 acre-feet of annual recharge, therefore, there will be no impact to groundwater resources.

STAFF RECOMMENDATION

Approve the requested Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional events per year. As modified by the conditions of approval and the mitigation measures.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. 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 Land Intensive Agriculture designation. The project is consistent with 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. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.
2. The proposed project is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows processing of agricultural products of a type grown or produced in the immediate area, if a Use Permit is obtained. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.
3. 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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures 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.
4. 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:

- a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

- b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.
- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be

provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.

- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project
- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.
- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means, will not 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 because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.
- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with

General Plan Policy WR-2d. The proposed project is located within a “marginal” groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.

- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County’s water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.
- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.
- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Proposal Statement and Addendums – Six Pages
- EXHIBIT C: Vicinity Map
- EXHIBIT D: General Plan Map
- EXHIBIT E: Zoning Map
- EXHIBIT F: Overall Site Plan
- EXHIBIT G: Enlarged Site Plan Showing Area of Proposed Facilities
- EXHIBIT H: Building Elevations – Tasting Room and Replacement Dwelling – Two Pages
- EXHIBIT I: Floor Plan – Tasting Room and Replacement Dwelling
- EXHIBIT J: Building Elevations – Winery Building – Two Pages
- EXHIBIT K: Floor Plan – Winery Building
- EXHIBIT L: Floor Plan – Barn/Cheese Making Facility
- EXHIBIT M: DRC Action Sheet from November 7, 2012 – Six Pages
- EXHIBIT N: Williamson Act Contract Compliance Statement – Three Pages
- EXHIBIT O: Correspondence Received by December 12, 2013
- EXHIBIT P: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration and full size site plan and building elevations.

Draft Conditions of Approval

Date: December 19, 2013 **File No.:** PLP12-0016
Applicant: Nathan Belden **APN:** 049-030-010
Address: 5561 Sonoma Mountain Road, Santa Rosa

Project Description: a Use Permit and Design Review for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, including retail sales and tasting of wine and cheese and other farmstead products by appointment only, and 10 Agricultural Promotional events on a 55 +/- acre parcel.

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 \$2,156.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,206.25 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.

BUILDING:

The conditions below have been satisfied BY _____ DATE _____

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 construction company shall post a sign that includes the 24-hour a day/7-day a week 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.
5. Mitigation 6.a.ii.1.
All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the 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 construction activities shall meet the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). Construction plans shall be subject to review and approval of PRMD prior to the issuance of a building permit. All work shall be subject to inspection by PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Mitigation Monitoring:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirements.

6. Mitigation 6.a.ii.2.

The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by PRMD. The geotechnical engineer shall certify the design as conforming to the specifications. The geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements or issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring:

PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements.

7. Mitigation 12.a.iii:

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 it shall be subject to approval by PRMD. 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) If required, 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. The nearest off-site dwelling is more than 600 feet away thus locating noise generating equipment in areas shielded by on-site buildings will provide adequate noise protection.

Mitigation Monitoring:

PRMD staff shall ensure that the measures are listed on all site alteration, 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)

HEALTH:

The conditions below have been satisfied BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:

Water:

8. Prior to building permit issuance and vesting the Use Permit, 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 2007 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.

9. 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 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. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
10. Prior to the issuance of building permits and vesting the Use Permit, 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 Department of Public Health, Office of Drinking Water if 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 Department of Public Health 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 may take some time. Be advised that surface water treatment rules may apply to springs or any water well with less than a 50-foot annular seal.) Prior to the issuance of building permits, copies of the clearance letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may e-mail clearance directly to PRMD.
11. 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.
12. Prior to building permit issuance for Phase I and vesting the Use Permit, proof of water availability must be submitted in accordance with Section 7-12 of the Sonoma County Code, Chapter 7. Provide an 8 to 12 hour yield test that indicates a minimum of five gallons per minute.
13. Prior to the issuance of any building permit and vesting the Use 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:

14. 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.

The project description includes Agricultural Promotional event 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 25% percent of the wastewater flow from an outdoor event with 100 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system. Note that indoor events such as dinners are expected to provide septic system capacity for 100% of the event, as these guests are not expected to exit the building to use portable toilets.

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.

15. 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.
16. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding any existing septic system to be retained. The septic system shall be evaluated for the ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel that will be plumbed to an existing septic system.

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.

17. 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:

18. Prior to the issuance of building permits, vesting the subject Use Permit, 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 Environmental Health Division of the Health Services Department.

If the project will operate under a Wine Tasting Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 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).

Contact the Environmental Health Division at 565-6547 for information and instruction sheet. An e-mail of the approval from the Environmental Health Division 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).

Solid Waste:

19. 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. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

Vector Control:

20. A Mosquito and Vector Control Plan acceptable to the Marin-Sonoma Mosquito and Vector Control District (telephone 707-285-2200) shall be submitted prior to the construction or operation of any ponds and prior to vesting the Use Permit. The Project Review Health Specialist shall receive a copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

Water:

21. Prior to occupancy, the 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:

22. 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.
23. A safe, potable water supply shall be provided and maintained.

24. 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.
25. 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:

26. Maintain the Annual Operating Permit for any alternative (mound, at grade, pre-treatment 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.
27. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
28. 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.
29. When permitted events exceed 25 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 Agricultural Promotional event and shall be promptly serviced and removed within 48 hours after the 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 event as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
 - i) The holding tank does not leak or overflow.

- ii) Toilet paper is promptly replaced when the dispenser runs out.
- iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
- iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
- v) Reliance upon portable toilets shall not create a public nuisance.

Hazardous Materials:

30. 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:

31. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health Division 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 Division 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 Division 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.

32. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food for off-site shipment.

Noise:

33. Mitigation 12.a.i.
Noise shall be controlled in accordance with Table NE-2 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.		

Mitigation Monitoring:

Any noise complaints will be investigated by PRMD staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. 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)

- 34. 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.
- 35. No indoor amplified sound shall be heard from the property line.
- 36. 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.

Smoking:

- 37. 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.
- 38. 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.

GRADING AND STORM WATER:

The conditions below have been satisfied BY _____ DATE _____

39. 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.
40. 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.
41. The following development and redevelopment projects are subject to storm water Low Impact Development (LID) regulations:
 - a. All development and redevelopment projects creating or replacing a combined total of 1.0 acre or more of impervious surface.
 - b. All development and redevelopment projects that include four or more houses.
 - c. Streets, roads, industrial parks, commercial strip malls, retail gasoline outlets, restaurants, parking lots, and automotive service facilities creating or replacing a combined total of 10,000 square feet or more of impervious surface.

If the proposed project, and reasonably foreseeable future development, exceeds the thresholds noted above, then measures to mitigate the project impacts to the quality and quantity of post-construction storm water discharges from the site shall be incorporated into the drainage design of the project. A final Standard Urban Storm Water Mitigation Plan (SUSMP) shall be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of PRMD prior to the issuance of any grading or building permits. LID/SUSMP features must be installed per approved plans and specifications, and working properly prior to finalizing the grading permit and associated building permits.

42. 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.
43. 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.

44. 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.
45. 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.
46. 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.
47. Existing drainage patterns shall be maintained in such a manner that does not adversely affect surrounding properties.
48. Mitigation 9.a:
This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice Of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Grading and Storm Water Section of the Permit and Resource Management Department.

Mitigation Monitoring:

The Permit and Resource Management Department shall not issue the Building Permit until the NOI and the WDID have been received.

49. Mitigation 9.c.:
Prior to grading or building permit issuance, construction details for all storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Storm water best management practices must be installed per approved plans and specifications, and working properly prior to each rainy season (October 15 each year) and remain functional throughout the rainy season. The Permit and Resource Management Department will verify storm water best management practice installation and functionality, through inspections, throughout the life of the construction permit(s).

Storm water best management practices shall be designed and installed pursuant to adopted Sonoma County Best Management Practice Guide.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the plans meet all storm water best management practices. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

50. Mitigation 9.d.:

Prior to grading or building permit issuance, construction details for all post-construction storm water best management practices shall be submitted for review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The construction plans shall be in substantial conformance with the conceptual plan reviewed at the planning permit stage.

Post-construction storm water best management practices shall be designed and installed pursuant to the adopted Sonoma County Best Management Practice Guide.

The owner/operator shall maintain the required post-construction best management practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction best management practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

Mitigation Monitoring:

Post-construction storm water best management practices shall be installed per approved plans and specifications, and working properly prior to finalizing the grading or building permits. The Permit and Resource Management Department will verify post-construction storm water best management practice installation and functionality, through inspections, prior to finalizing the permit(s).

51. Mitigation 9.e.:

The construction plans shall include a storm water drainage system that adequately addresses the impacts and design features discussed above, in substantial conformance with the final drainage report. The design and sizing of the storm water drainage system shall be in compliance with the adopted Sonoma County Water Agency Flood Control Design Criteria, 1983 or most recently revised edition.

A final drainage report for the proposed project shall be prepared for this project. The drainage report shall include, at a minimum, a project narrative, on- & off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- & post-development analysis for all existing and proposed drainage facilities. The final drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.

The construction plans and final drainage report shall be prepared by a civil engineer, registered in the State of California, be submitted with the grading and/or building permit application and/or improvement plans, as applicable, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to the issuance of any grading or building permits.

Mitigation Monitoring:

Grading and Storm Water Section staff shall not sign-off building or grading plans for issuance until they are satisfied that the final drainage improvements are in compliance with the final drainage report. Final occupancy shall not be issued until correct installation has been verified by Grading and Storm Water staff.

52. Mitigation 9.f.:

The project shall be subject to a setback of 30 feet from the top of the bank as established in Policy OSRC-8b (Riparian Corridor Setback) of the Sonoma County General Plan. (Note: If existing riparian vegetation extends beyond the numerical setback distance, then the setback shall be established at the drip line of the existing riparian vegetation or offsite mitigation shall be required.)

The project shall be subject to County Code Section 7-14.5 Stream setback for structures requiring a building permit as well as to County Code Section 11.16.120 setback for streams. No structure shall be setback less than 30 feet from the top of the bank.

The development plans shall present the setbacks associated with each of the county code sections detailed above.

The development plans shall be subject to review and approval by the Grading & Storm Water Section, the Building Division and/or the Planning Division of the Permit and Resource Management Department prior to the issuance of any building or grading permits.

Mitigation Monitoring:

Grading and Storm Water Section Staff shall ensure that all plans provide evidence that the appropriate setback to the drainage along the eastern side of the property is maintained for all building and grading permits. The project planner shall ensure that all landscaping and other activities are setback from the drainage appropriately.

53. 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 Use.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

54. "Special Event Ahead" signage shall be employed during the course of events. Signs conforming to Sonoma County Standard Drawing No. 710 shall be placed in advance of the Applicant's entrance in order to alert all traffic to the possibility of traffic congestion (www.sonoma-county.org/tpw/pdf/const_std/710.pdf).
55. Prior to issuance of any building permit, or temporary or final occupancy: To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, winery access to Sonoma Mountain Road shall conform to AASHTO recommendations. More specifically, the Developer shall construct a commercial driveway entrance meeting the following criteria:
- a. A minimum paved throat width of 20 feet (measured 30 feet from edge of pavement);
 - b. Entrance curves having a minimum pavement radius of 25 feet, the entrance curves shall begin on a line that is 12 feet distant from, and parallel with, the physical centerline of Sonoma Mountain Road. A 1:10 pavement taper shall be constructed on both sides of the entrance.
 - c. The driveway shall enter Sonoma Mountain 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 entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.

- e. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details (www.sonoma-county.org/tpw/pdf/const_std/814.pdf).
- 56. 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.
- 57. The Applicant shall obtain an Encroachment Permit from the Permit and Resource Management Department prior to constructing any improvements within County Road right-of-way.
- 58. Mitigation Measure 16.a.i.:
Widen all internal roadways/driveways to a 20-foot cross section or install turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.

Mitigation Monitoring:

Prior to building permit issuance Fire Services shall review the development plans to ensure that on-site access meets the requirements for width or includes the correct number of turnouts.

- 59. Mitigation Measure 16.a.ii.:
The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Sonoma Mountain Road. To enhance sight distance, Department of Transportation and Public Works recommends the removal of vegetation and select eucalyptus trees located along the edge of pavement west of the existing driveway.

Obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance program shall be developed subject to approval of the Sonoma County Department of Transportation and Public Works to ensure that the sight distance is maintained.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide documentation that an agreement with Sonoma County Transportation and Public Works for vegetation removal and maintenance of that vegetation has been entered into. Annually, the project planner and/or Public Works staff will verify that the work has been completed and results in a minimum sight distance of 445 feet to the east and 385 feet to the west.

FIRE AND EMERGENCY SERVICES:

"The conditions below have been satisfied BY _____ DATE _____

- 60. 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.

PLANNING:

"The conditions below have been satisfied BY _____ DATE _____

61. This Use Permit is for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional event per year. See the details of the events below. Only one event may be a wedding, which can only be held during the summer months (June to September). The nine authorized promotional events must promote and market agricultural products grown or processed in the County and be secondary and incidental to agricultural production. Hours of operation for winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional event must end by 9:30 p.m. with all clean up completed by 10:00 p.m. Three new dwelling units are proposed: one new primary dwelling and two Agricultural Employee Units. The use shall be operated in accordance with the proposal statement and site plan (as amended by this application) located in File No. PLP12-0016. The site is a 55-acre parcel located easterly of the intersection of Pressley Road and Sonoma Mountain Road.

Phasing of the project is as follows:

Phase I: (Start Time: 1 to 2 years from approval)

1. The existing 2,285 square foot barn will be renovated for the conversion of use to a small winery and creamery. An additional 475 square feet will be added for the creamery and 530 square feet will be added to the milking shed.
2. The existing Legal Non-Conforming 2,490 square foot residence will be replaced with a 4,270 square foot residence for the owner which will include the tasting/hospitality, commercial kitchen, and administrative space. The existing Primary Dwelling will be designated as a Farm Family unit by obtaining a Farm Family Zoning Permit and recording the appropriate covenant.
3. Demolish the 1,780 square foot garage with second story residence.

Employees in Phase I: Four Full-time and two part-time during non-harvest increasing to six full-time during harvest and bottling, not including agricultural workers.

Phase II: (Start Time: 3 to 4 years from approval)

1. The new 8,300 square foot winery building will be constructed adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building) per the approved site plan. The two Agricultural Employee units shown in the winery building must be supported by qualifying agricultural uses and an Agricultural Employee Zoning Permit must be obtained for each prior to issuance of building permits.
2. Add 1,090 square feet to the existing barn, for the creamery.

Employees in Phase II: Five full-time and four part-time during non-harvest increasing to seven full-time during harvest and bottling, not including agricultural workers.

Events

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60

1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

62. The facility shall not be rented out to third parties for events
63. The days and hours for Agricultural Promotional 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 Agricultural Promotional 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.
64. Mitigation 12.a.ii.
 Agricultural Promotional events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan. All events shall end by 9:30 p.m. so that guests can leave the site by 10:00 p.m.

Mitigation Monitoring:

Any complaints about events outside the hours established by the Noise Element of the General Plan shall be investigated and if events are held or allowed to continue outside the allowed hours of operation then enforcement actions may be undertaken up to and including potential revocation.

65. Currently there are one primary and two legal non-conforming dwelling units on-site. Prior to issuance of a building permit for any building containing dwelling units applications to designate each dwelling on site as a qualifying type of unit that complies with both the Zoning designation and the Williamson Act contract shall be submitted and receive approval.
66. This Use Permit (PLP12-0016) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
67. 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.
68. 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.

69. 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, 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.
70. Condition Compliance Fee. Prior to commencement of event activities, the owner/operator shall submit a Condition Compliance Review fee deposit sufficient to cover the review of event activities as described above.
71. At the time of submitting a building permit application, the applicant shall submit to PRMD 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 inspection being granted.
72. 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.
73. 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.

74. Mitigation Measure 5.b.

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."

Mitigation Monitoring: 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.

75. Low-flow showerheads and faucet aerators shall be installed in all project dwelling units (Low water use toilets are currently required by State Law).
76. The applicant shall maintain a minimum of 96 parking spaces on-site to serve the agricultural processing facility, tasting room, and events. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
77. Construction of new or expanded residential and non-residential development shall be subject to Affordable Housing and Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
78. 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.

Mitigation Monitoring: PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

79. Mitigation 7.a.iv.:
Prior to building permit issuance a Water Conservation Plan shall be submitted for all landscaping, subject to PRMD review and approval. The Water Conservation Plan shall comply with all provisions of the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code).

Mitigation Monitoring:

Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy. Reference form PJR-091.

<http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>

80. Mitigation 1.c.i:
Prior to issuance of building permits the applicant shall submit the building and landscaping plans for final Design Review.

Mitigation Monitoring:

The Design Review Committee will ensure that the buildings are appropriately sited and screened from view from public roadways and adjoining properties in conformance with the Bennett Valley Design guidelines. Building and grading permits shall not be issued until they have been approved by the Design Review Committee.

81. Mitigation 1.c.ii.:
Additional trees and shrubs shall be planted along Sonoma Mountain Road to more completely screen the new winery building from the road. Additional orchard trees should be located on the north side of the new winery building, the existing dance hall, and along that area to the west to provide screening and breakup the northerly façade of the new winery and dwelling/tasting facility. The roadside plantings shall be reviewed by the transportation consultant Whitlock & Weinberger to ensure that sight distances at the driveway are not impaired by the new vegetation.

Mitigation Monitoring:

Prior to building permit issuance the applicant shall provide the project planner with a detailed landscaping plan showing the location, type, irrigation lines, and sizes of all new landscaping and

orchard plantings. These plans must be approved by the planner, the transportation consultant, and the Design Review Committee.

82. Mitigation 1.d.:

Prior to issuance of the Building Permit, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded, and directed downward to prevent "wash out" onto adjacent properties. 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 until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit 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 require the property be brought into compliance or initiate procedures to revoke the permit. (Ongoing)

83. Mitigation Measure 3.c.:

The following dust control measures will be included in the project:

- A. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as directed by the County.
- 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:

Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff 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 for dust control measures to be implemented during construction. 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 additional dust control measures as determined by PRMD or PRMD may issue a stop work order.

84. Mitigation 3.e.:

Disposal of pomace and other waste products from processing of agricultural materials 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. Agricultural waste products 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. Agricultural waste products shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
- c. Agricultural waste products shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the waste to be used by the County's composting program.

Agricultural waste products shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities a) through c) above have been exhausted. In all cases, care shall be taken to prevent contamination by petroleum products, heavy metals, pesticides or any other material that renders the material unsuitable for composting with subsequent land application. Land application, placement of waste into a composting facility or disposal shall occur within two weeks of the end of processing.

Mitigation Monitoring:

If PRMD 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.

85. Mitigation 4.a.i.:

Prior to reconstruction of the barn, the applicant shall hire a qualified bat and bird specialist to conduct a pre-demolition survey during the time when bats or barn owls would be expected to be present and active (i.e., early April) to determine the presence of roosting bats or nesting owls. If no evidence exists that either bats are roosting or owls are nesting in the barn, then no further mitigation is required.

Mitigation Monitoring:

Prior to issuance of demolition/reconstruction permits for the barn a copy of the study shall be provided to the project planner.

86. Mitigation 4.a.ii.:

If roosting bats or nesting owls are determined to be present, the applicant shall provide for a replacement roosting facility, in the form of either a bat house or several bat boxes, immediately adjacent to the barn, to the extent feasible. Based on recommendation from a bat and bird specialist, appropriate exclusion devices shall be installed to prevent roosting bats and nesting owls from being in the facility when demolition and reconstruction occurs. The replacement roosting facility shall be monitored weekly during the first month after installation and then once every three months until activities are completed to document bat utilization.

Mitigation Monitoring:

Prior to issuance of permits for demolition/reconstruction for the barn the applicant's consultant shall provide documentation that the replacement roosting facilities have been installed along with the exclusion devices to prevent bats and owls from reoccupying the barn. Monitoring reports shall be submitted to the project review planner as they are prepared.

87. Mitigation 4.a.iii.:

A riparian (streamside conservation area) line shall be established 30-feet from the top of the bank of drainage on the easterly side of the construction area. "NOTE ON MAP": Structures, equipment, roads, utility lines, parking lots, lawns, agricultural uses (planting, grazing, etc.), grading, fill, and excavation shall be prohibited in this conservation area.

Mitigation Monitoring:

The setback line shall be shown on the map and prohibits activities within the creek setback.

88. Mitigation 7.a.i.:

All new buildings shall be constructed in conformance with CalGreen at the Tier 1 level of compliance. These standards apply to both new residential and non-residential construction excepting remodels and additions, and result in buildings that are more energy efficient and reduce GHG emissions.

Mitigation Monitoring:

CalGreen + Tier 1 compliance became mandatory in Sonoma County when it was adopted and approved by the Board of Supervisors and California Energy Commission; the ordinance effective date was January 1, 2011. Building permits will not be approved without compliance with this ordinance.

89. Mitigation 7.a.ii.:

The applicant shall install solar panels on the new winery buildings or ground mounted panels to provide a part of the energy which will be required for the proposed uses.

Mitigation Monitoring:

The solar panels will be incorporated into the building plans and inspected by the Building Inspection section of the Permit and Resource Management Department. The Building Inspector will provide clearance that the applicant has carried out the installation of the solar panels to the project planner.

90. Mitigation 7.a.iii.:

The applicant shall prepare an idle time reduction plan to reduce the time that trucks making deliveries or picking up products or grapes spend with engines idling. For diesel engines idle times shall be no longer than 5 minutes.

Mitigation Monitoring:

The idle time reduction plan shall be submitted to the project planner who will verify that it meets the minimum standards established by State of California's Commercial Vehicle Idling Regulations.

91. Mitigation 8.a.:

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:

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. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

92. 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 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.

93. 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.

94. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts.

95. 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.
96. 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 and/or menu items are prohibited in the tasting room. The following types of food service are allowed under this permit:
- a. Samples or tastes of pre-prepared food and appetizers featuring local foods and food products offered in conjunction with wine tasting, Agricultural Promotional event, wine club meals and winemaker dinners.
 - b. Catered meals or appetizers featuring local foods and food products offered in conjunction with Agricultural Promotional event, wine club meals and winemaker dinners. Such meals/appetizers may be prepared in a caterer's preparation area prior to serving as described on the approved project floor plan. The caterer's preparation area can include counter space, a double sink, microwave oven(s), warming oven(s), refrigeration, a stove or range, and an exhaust hood.
 - c. Retail sales of pre-prepared 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-prepared packaged food shall be permitted only during tasting room hours as approved by this Use Permit.
 - 2) Retail sales of pre-prepared packaged food shall be for on-site consumption only.
 - 3) 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.
 - 4) No off-site signs advertising retail sales of pre-prepared food is permitted. All project signage shall conform to the Zoning Code Sign Regulations.
97. 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.
98. 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.

99. 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.

This Use Permit is approved for phasing of the project development, whereas, Phase I development shall be commenced by obtaining the necessary permits and starting construction within two (2) years after the date of the granting of the Use Permit. Phase II development shall be commenced by obtaining the necessary permits and starting construction within three (3) years after the date of the granting of the Use Permit. Work on all phases shall be completed within six (6) years of the granting of the Use Permit. If the development has not been completed within the specified timeframe the Use 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 six (6) 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.

Belden Barns Winery & Farmstead

Belden Barns

Proposed New Winery and Farmstead Facilities
5561 Sonoma Mountain Road
Santa Rosa, Sonoma County

Proposal Statement

The proposed Belden Barns Winery and Farmstead involves the development of new winemaking, hospitality and farmstead food production facilities on our 55 acre parcel located at 5561 Sonoma Mountain Road near Santa Rosa, California. The facilities will be owner-operated dedicated primarily to the production of ultra-premium Pinot Noir, Syrah, Sauvignon Blanc and Gruner Veltliner as well as various farmstead products including fresh/preserved vegetables/fruits, eggs, charcuterie and cheeses.

The facilities will be located on our vineyard property known as Steiner Vineyard, which was first planted in 1973 and is a historically important vineyard in the Sonoma Mountain/Bennett Valley AVAs. The vineyard currently has 16.0 acres of producing vines, 4.0 acres of vines under development, irrigation reservoir, pasture, fruit orchard, vegetable plots, barns and residences. It is our desire to have a quiet farmstead operation and winemaking facility. And while an ultimate production of 10,000 cases of wine and 10,000 lbs of cheese is requested, the production at our facilities will begin small and grow to match the success of producing world class wines in conjunction with farmstead products and farmstead themed experiences.

Tastings and tours will be by appointment with retail sales direct to customers. We plan on having agricultural promotional events to introduce potential and current customers to our wines and farmstead products including wine pick-up events, chef dinners, selective county-wide industry events, limited weddings and other agricultural promotional gatherings. The proposed winery will produce wines primarily from our estate vineyard and other local vineyards in the region. The farmstead production will utilize vegetables, fruit, eggs and milk produced sustainably on site and from surrounding producers. For reference, 10,000 pounds of cheese production utilizes the milk production of 10 cows / 50 sheep / 100 goats. The sustainable carrying capacity of our pasture supports fewer animals than our targeted cheese production implies, so we plan to source a portion of milk for cheese production from local producers.

The facility development is planned to be a phased project. Phase I will include reconstruction of the existing 2490 SF residence to tasting, hospitality, commercial kitchen, administrative and residential use (4270 SF w/ 1410 SF porch); conversion of one 480 SF wing of an existing barn to locker/restrooms; and demolition of an existing 1780 SF garage and residence building. Winemaking during Phase I will take place at the existing barn area with offsite barrel storage. Phase II will include a new 8300 SF winery building (7650 SF – 1st Floor, 650 SF 2nd Floor) nestled into the topography adjacent to the new hospitality building and demolished garage/residence. The wine facility incorporates a covered grape receiving and crushing area with press, fermentation, barrel storage, case goods/bottling, equipment storage, production restroom, equipment room, office, lab and attached workforce residences (900 SF 2 bedroom unit, 470 SF 1 bedroom unit). The 2nd floor includes a VIP tasting and hospitality area. Phase II will also include a new 1090 SF wing to an existing barn. This new construction will include a milking parlor, micro creamery, cheese making room and affinage rooms for cheese and charcuterie aging. Due to tree coverage and use of topography each phase of development will be minimally visible from Sonoma Mountain Road and is located 420± feet from the existing road and 640± feet from the closest neighboring residence. The winery design and layout has been driven by the function and the criteria for gentle handling of fruit, gentle wine processing, minimized power usage and reduced exposure of the structure. All building designs are agrarian in character with the existing residence, barns and surrounding agricultural area.

Related infrastructure includes minor improvements to the existing entrance on Sonoma Mountain Road, process wastewater treatment system, storm water management improvements, fire protection water storage and associated grading and landscape improvements.

Belden Barns Winery & Farmstead

During Phase I, we plan on having 4 full-time employees and 2 part-time employees To support the proposed Phase II winery and farmstead facilities during non-harvest, we anticipate maintaining a staff of 5 full-time and 4 part-time employees, with an increase to 7 full-time employees during the harvest season and bottling. Visitation for both phases will be by appointment and visitors anticipated are to be on the order of 20 for an average day and 60 for a peak day. Operating hours shall be 7 AM to 6 PM Monday through Friday off harvest and 6 AM to 10 PM Monday through Sunday during harvest season.

It is our intention to create a small, quiet farmstead and winery facility that produces outstanding, unique wines and farmstead products from Sonoma County. In turn, we hope to celebrate and support local agriculture and Sonoma County's economy. The new facilities are designed to have minimal impact to the land with use of existing structures, sustainable materials and systems, and an architectural style that blends with the surroundings and existing structures in the area.

Supporting Information

The proposed location of the new winery building meets the Goals and Policies of the BV Area Plan although it is within the boundaries of the BV Visual Corridor.

- The proposed new building can not be seen from public roadways or neighboring properties. As stated above, it is screened by existing trees and vegetation as well as existing structures (see photo simulation and rendering)
- Cluster development is being accomplished with the building siting (Goals & Policies I.F.)
- Winery building includes two new workforce housing units satisfying both the Work Force Housing policy and the need for low cost housing (Goals & Policies II.A. & II.B.)
- The winery and farmstead supports the agriculture production on site and supports the "vital rural character" (Goals & Policies III.A.)
- The area of the property outside of the BV Visual Corridor is within an open vista. The proposed location of the winery building supports the Open Space and protects the open vista (Goals & Policies IV.A.)
- Views for public roads and the community are protected with the proposed new location since it can not be seen from any public view shed (Goals & Policies IV.C.)

Mitigation Measures within the BV Area Plan include "Maintain Visual Amenity". The proposed location complies as follows:

- Avoids skyline Development
- Is in harmony with the existing structures, area and natural surroundings
- Does not impact visual/scenic corridors
- Will adhere to the BV Design Guidelines (with exception of being within the corridor)
- Does comply with the General Plan and Zoning Ordinance.

Summary

The proposed Belden Barns Winery & Farmstead is responsibly designed to minimize visual impacts to the public and neighboring properties by utilizing existing farm structures and siting the Phase II building within the cluster of farm buildings. The Phase II building architecture is in concert with the existing buildings on site and the agrarian setting. As stated above the public view shed is not affected by the proposed project structures; the new building cannot be seen outside of the property and the existing structures are part of the natural surroundings. Public safety is protected by not attempting to build in the geologically unstable area that falls outside of the BV Visual Corridor.

I trust the above adequately addresses your request for a narrative summary supporting the building location within the BV Visual Corridor. I look forward to discussing the above and additional supporting photos, renderings, photo-simulations and related information with the DR committee.

Please call if you have any questions or comments.

Regards,



Steve Martin, P.E

cc: Nate Belden

SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

September 19, 2012

Sonoma County Permit &
Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Attn: Melinda Grosch

Re: Belden Barns Winery &
Farmstead
PLP12-0016
APN 049-030-010
Project No. 2011014

Dear Melinda

The purpose of this letter is to review items discussed during our project meeting on June 19, 2012 in response to your letter dated June 12, 2012 regarding application incompleteness. In addition, we'll provide written response to items No. 1 through No. 7 per your email of today, 9-19-12, though some of these items were addressed at our meeting referenced above as well as in our preliminary Design Review submittal on August 23, 2012 and our Memorandum dated 9-7-12 regarding the requested narrative for the siting of the winery building within the Bennett Valley Visual Corridor.

1. A revised Site Plan showing all new construction outside the Bennett Valley Visual Corridor is not being provided. We had addressed this with you in our meeting on June 19, 2012, the subsequent design review application and further memorandum dated September 7, 2012, which provided the requested written narrative justifying the siting of the building within the BV Visual Corridor. Please set this project for preliminary Design Review as you recommended and have indicated is a first priority in the processing due to being in the visual corridor.
2. Design Review submittal package with the required items (photo simulations, site plans, building plans & elevations, etc.) and multiple copies was provided to you on 8-23-12.
3. Up to 10 special events per year with attendance levels of 60 to 200 people are requested with the UP application. No outdoor amplified music is planned for the events. The event breakdown is projected as follows:
 - 5 events at 60 people maximum
 - 3 events at 100 people maximum
 - 2 events at 200 people maximum

Anticipated event information is as follows:

<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time</u> <u>Period</u>	<u>Attendees</u> <u>(maximum)</u>
Wine Club Member's Event	2	January - December	60
Distributors Tasting & Dinner	2	January - December	60

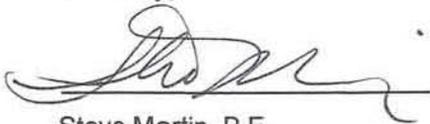
Chef Tastings & Dinner	1	January - December	60
Wine Club Member's Pick-up Event	1	March - October	100
Harvest Party	1	March - October	100
Wine & Farm Product Marketing Event (TBD)	1	March - October	100
Wedding	1	March - October	200
Wine & Farm Product Marketing Event (TBD)	1	March - October	200
TOTAL	10		

Belden Barns plans to participate in selective County-wide industry events.

4. Winery Hospitality Functions: the number of events, description and maximum number of people are as described in the table above. Normal tasting room hours and related visitation will be from 11:00 AM to 6:00 PM. Events described above will be during the time between 11:00 AM to 10:00 PM. Generally, the Wine Club Member events and Harvest Party will be during the day and the Tasting & Dinner functions will be from 5:00 PM to 10:00 PM.
5. Williamson Act Compliance Statement is attached.
6. The winery structure has two attached agricultural employees units. The 2-bedroom unit will be a replacement for the existing Ag Employee dwelling to be removed. The 1-bedroom unit is planned to be a Workforce Housing Unit in order to satisfy the pending Condition of Approval related to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
7. Signed At-Cost Agreement is attached.

I trust the above adequately addresses items #1 through #7 of your June 12, 2012 letter. Please call if you have any questions or comments.

Sincerely,



Steve Martin, P.E.

cc: Nate Belden
attachments

Vicinity Map

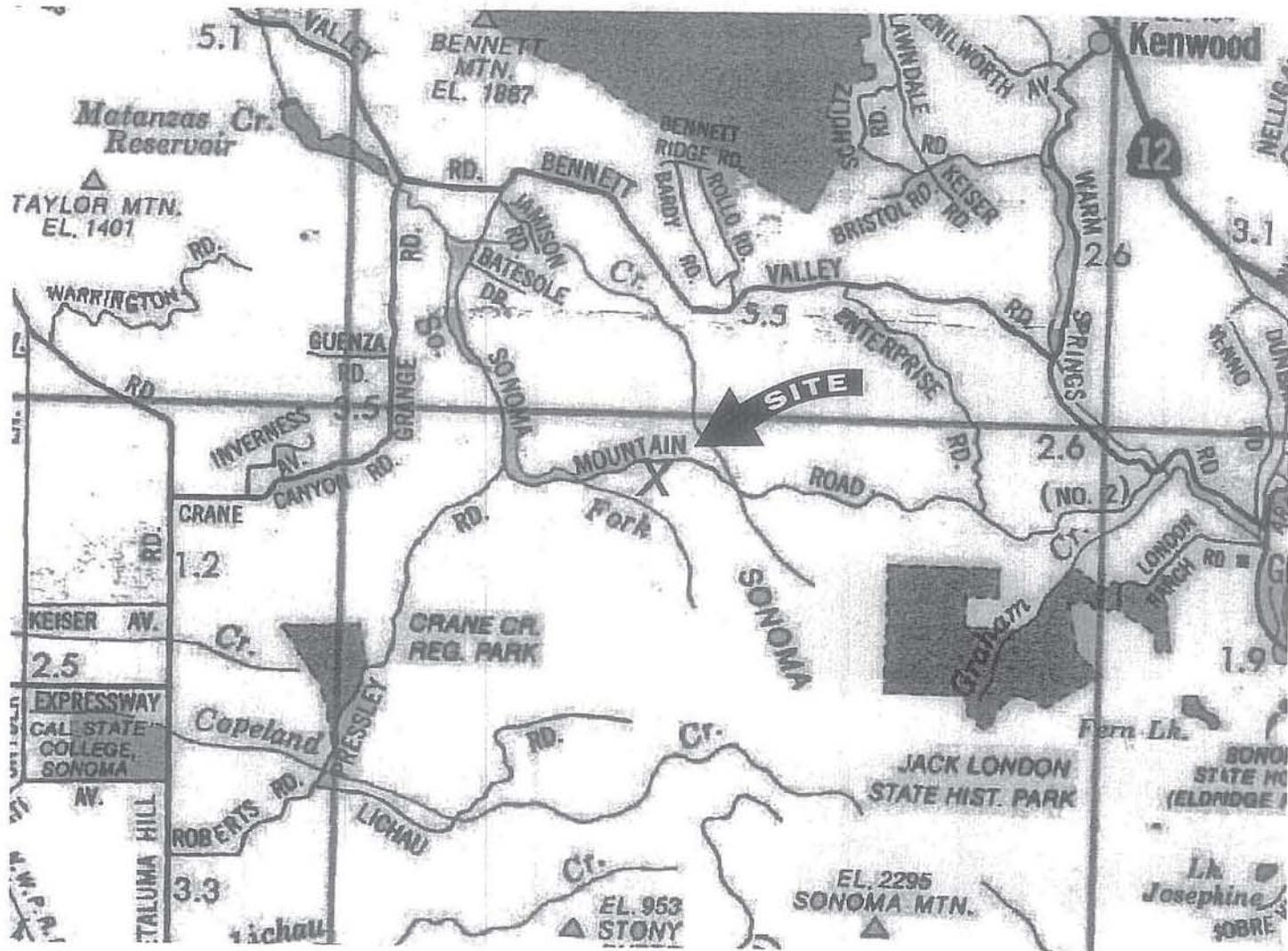


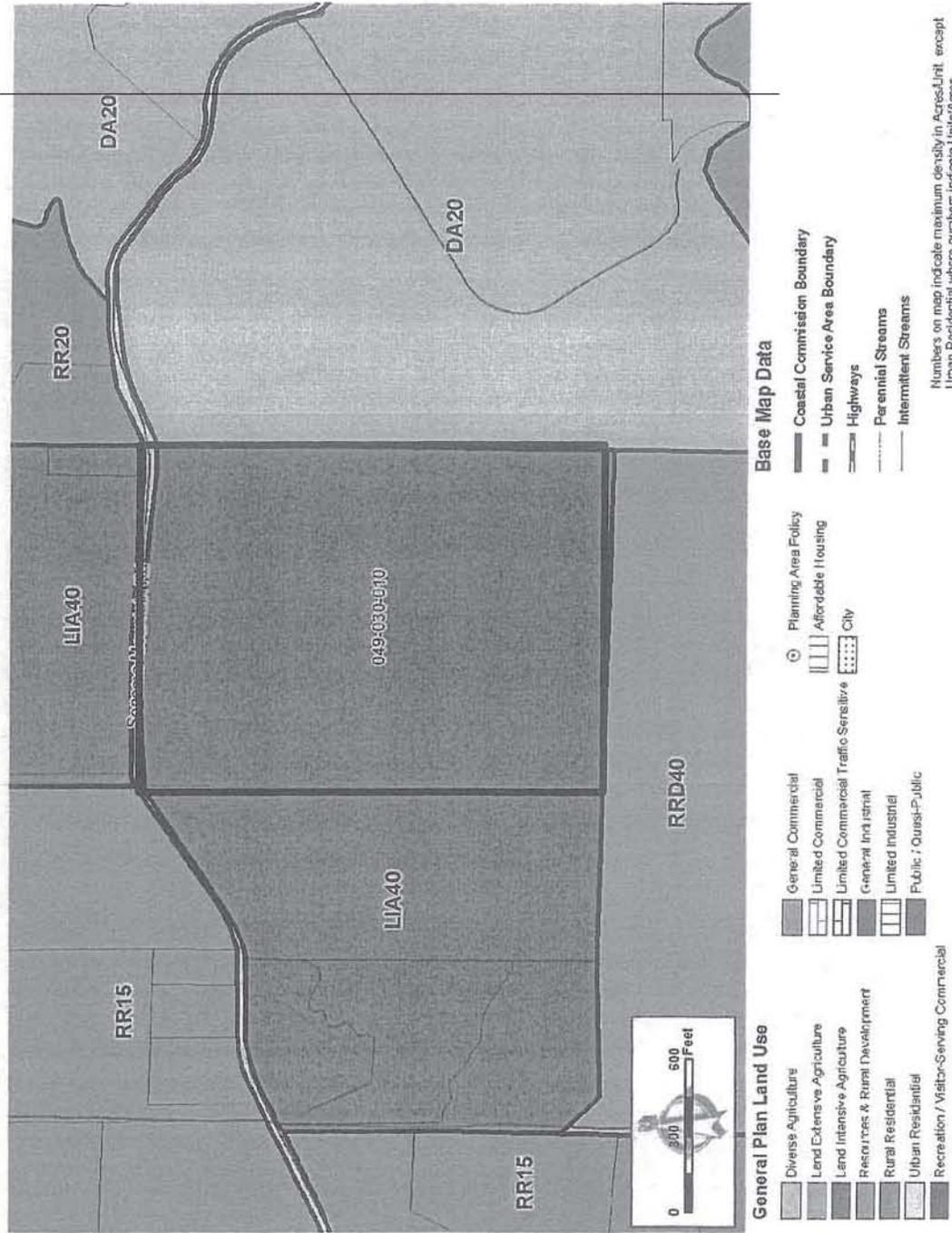
EXHIBIT C



PRMD

Activity #PLP12-0016

General Plan

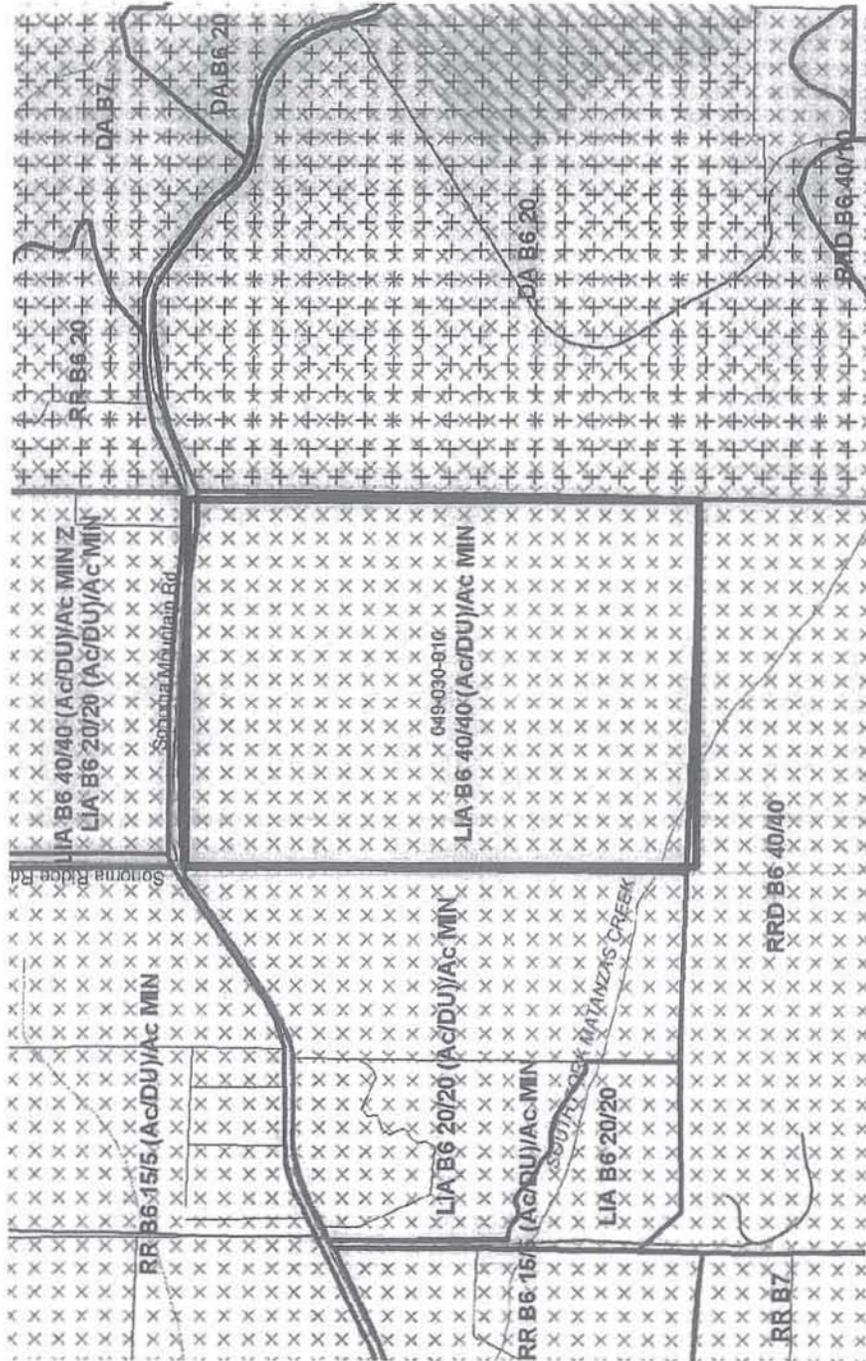


Activity #PLP12-0016

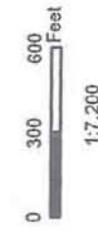
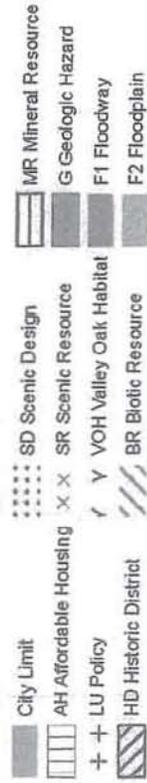


PRMD

Zoning



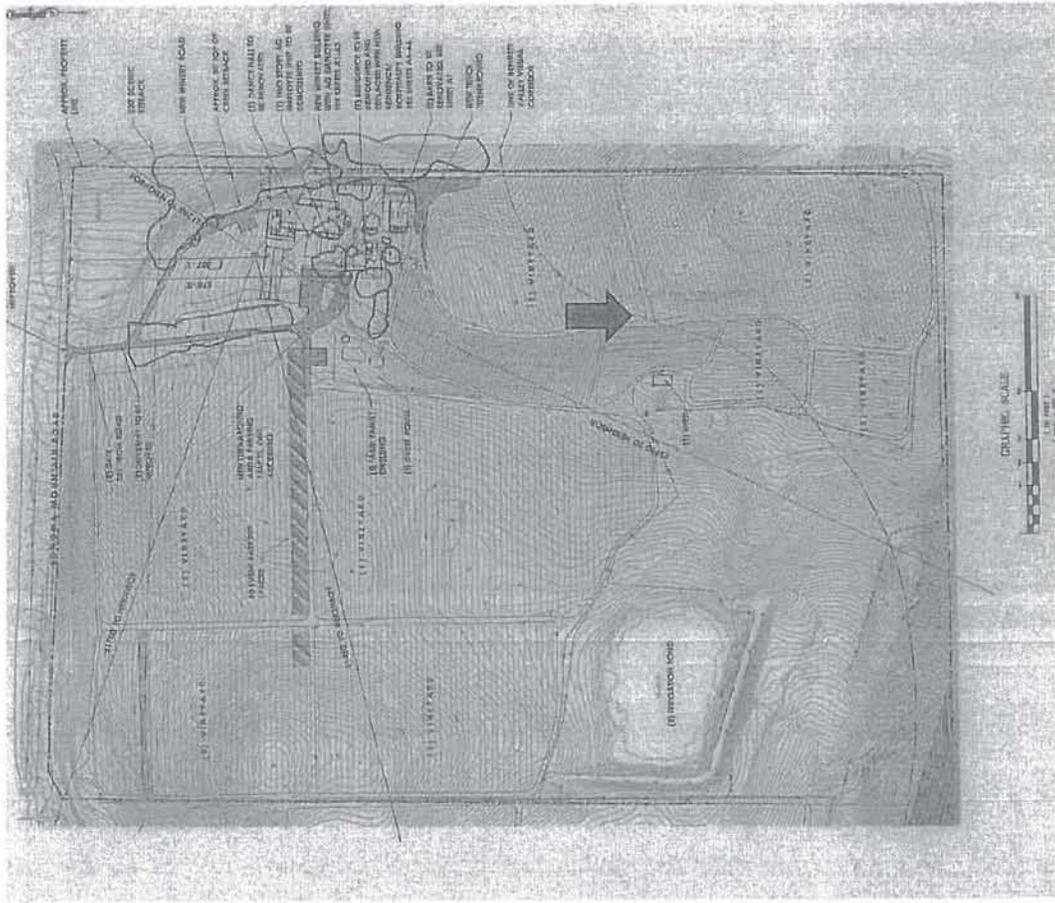
Zoning and Combining Districts



PRMD

Activity #PLP12-0016

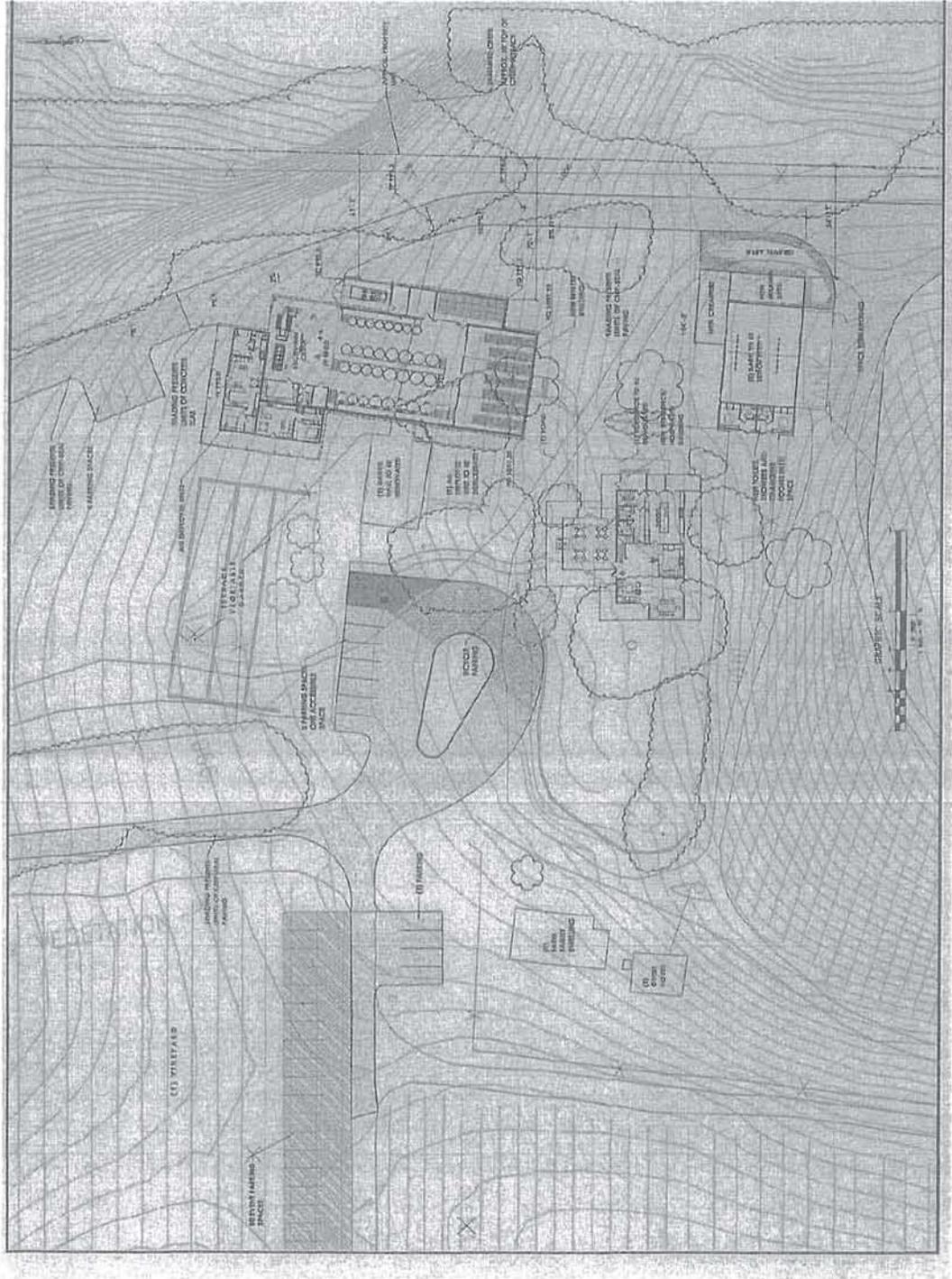
Overall Site Plan



Activity #PLP12-0016



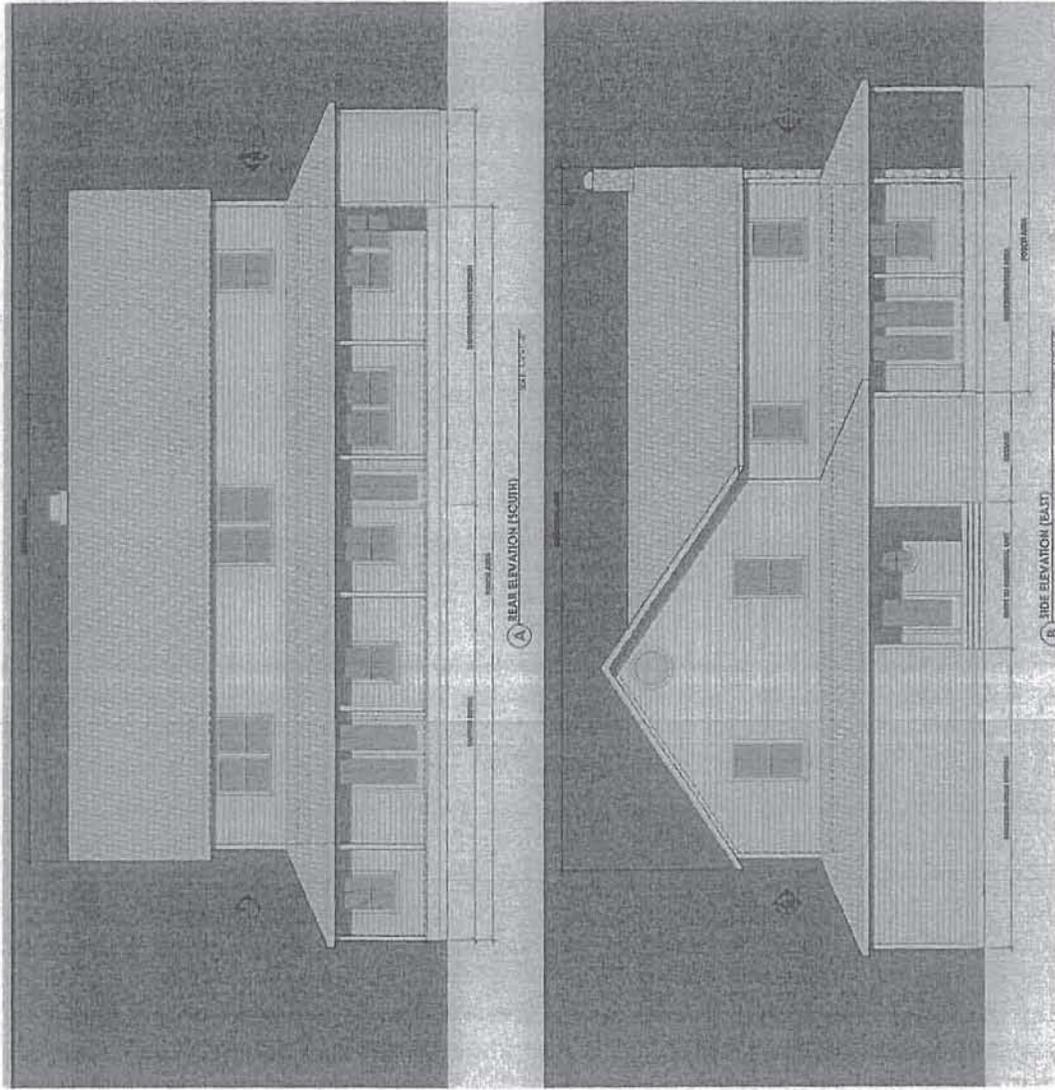
Enlarged Site Plan



Activity #PLP12-0016



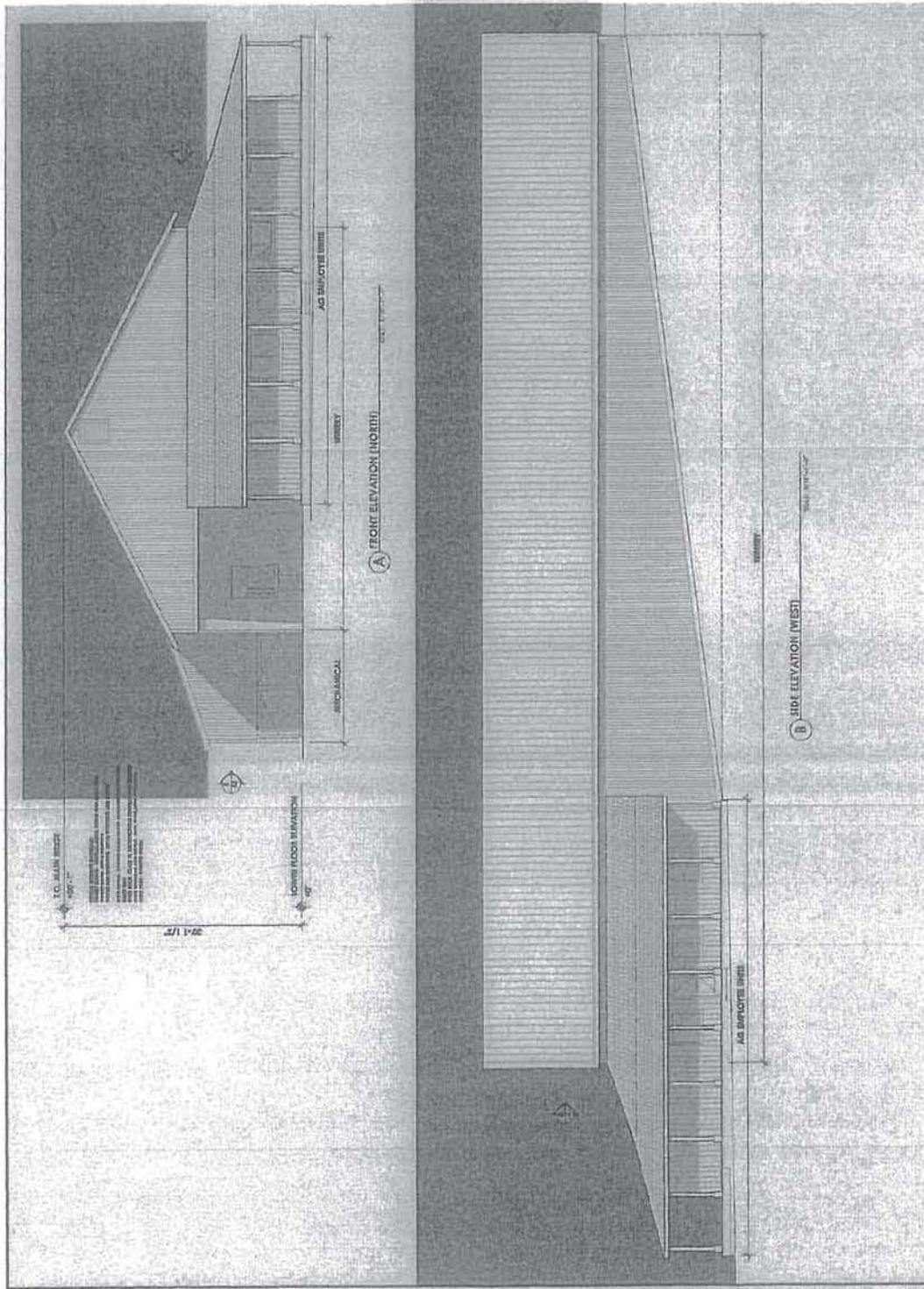
Replacement Dwelling and Tasting Room



Activity #PLP12-0016



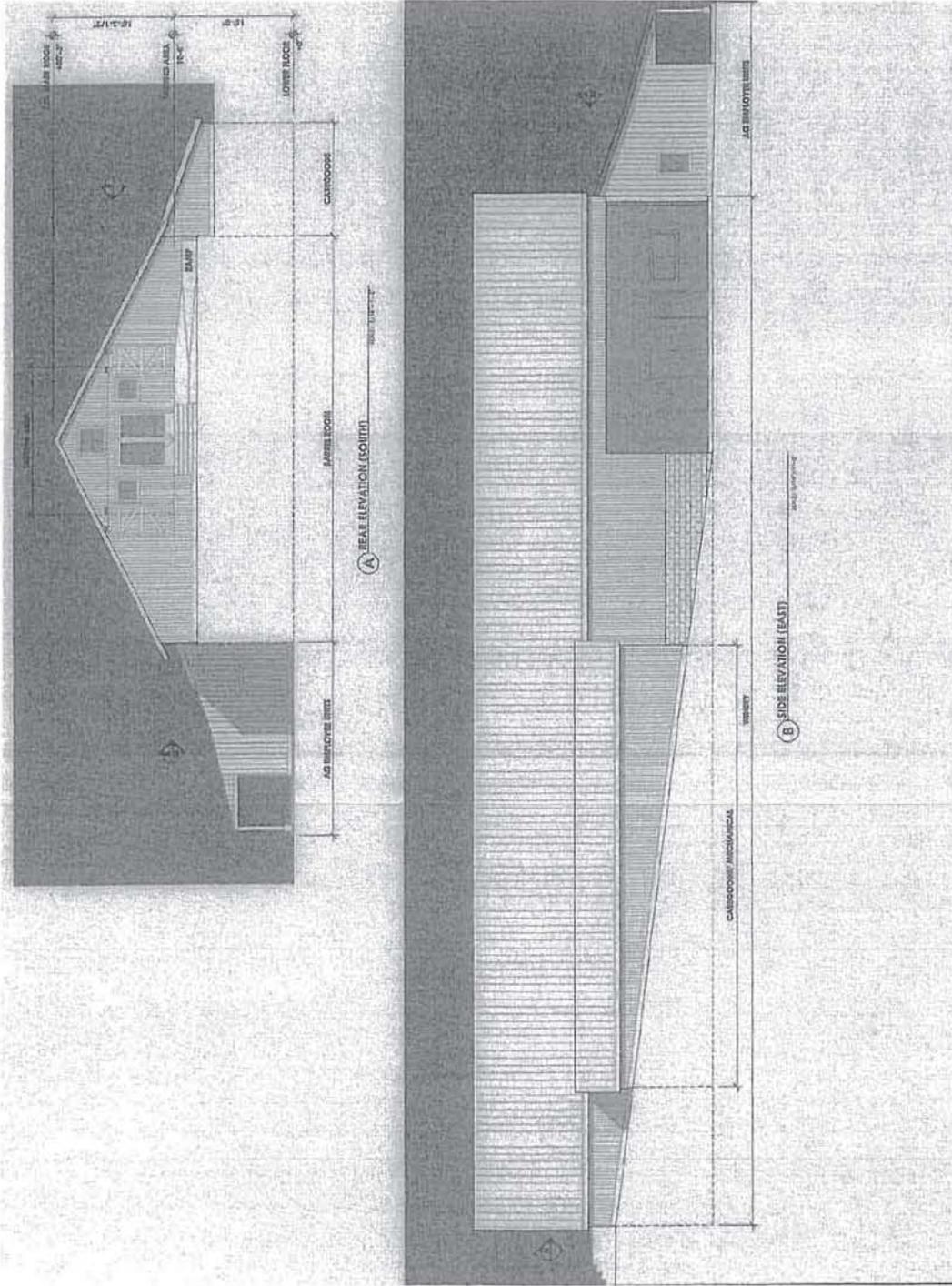
New Winery Building Elevations



PRMD

Activity #PLP12-0016

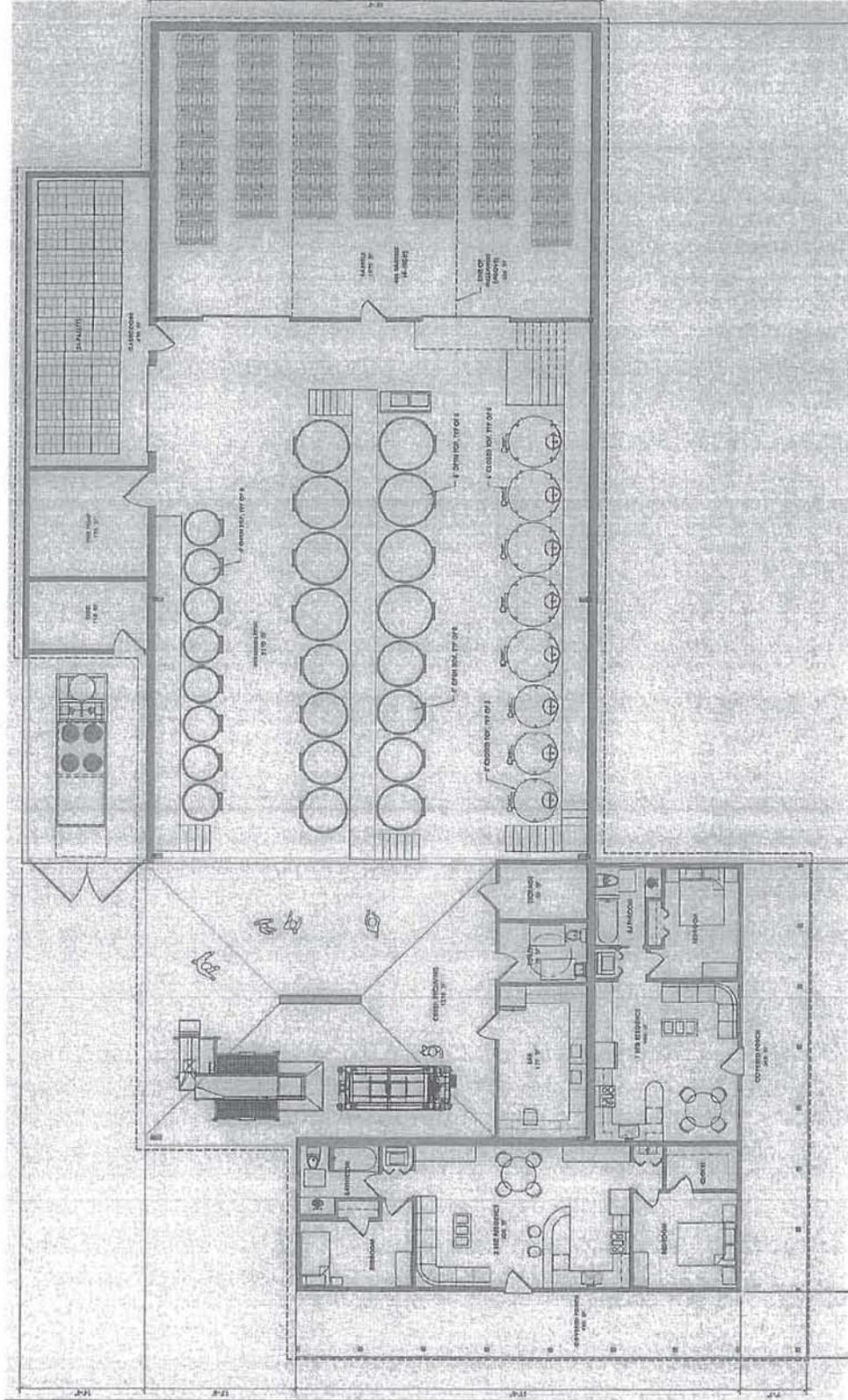
New Winery Building Elevations



PRMD

Activity #PLP12-0016

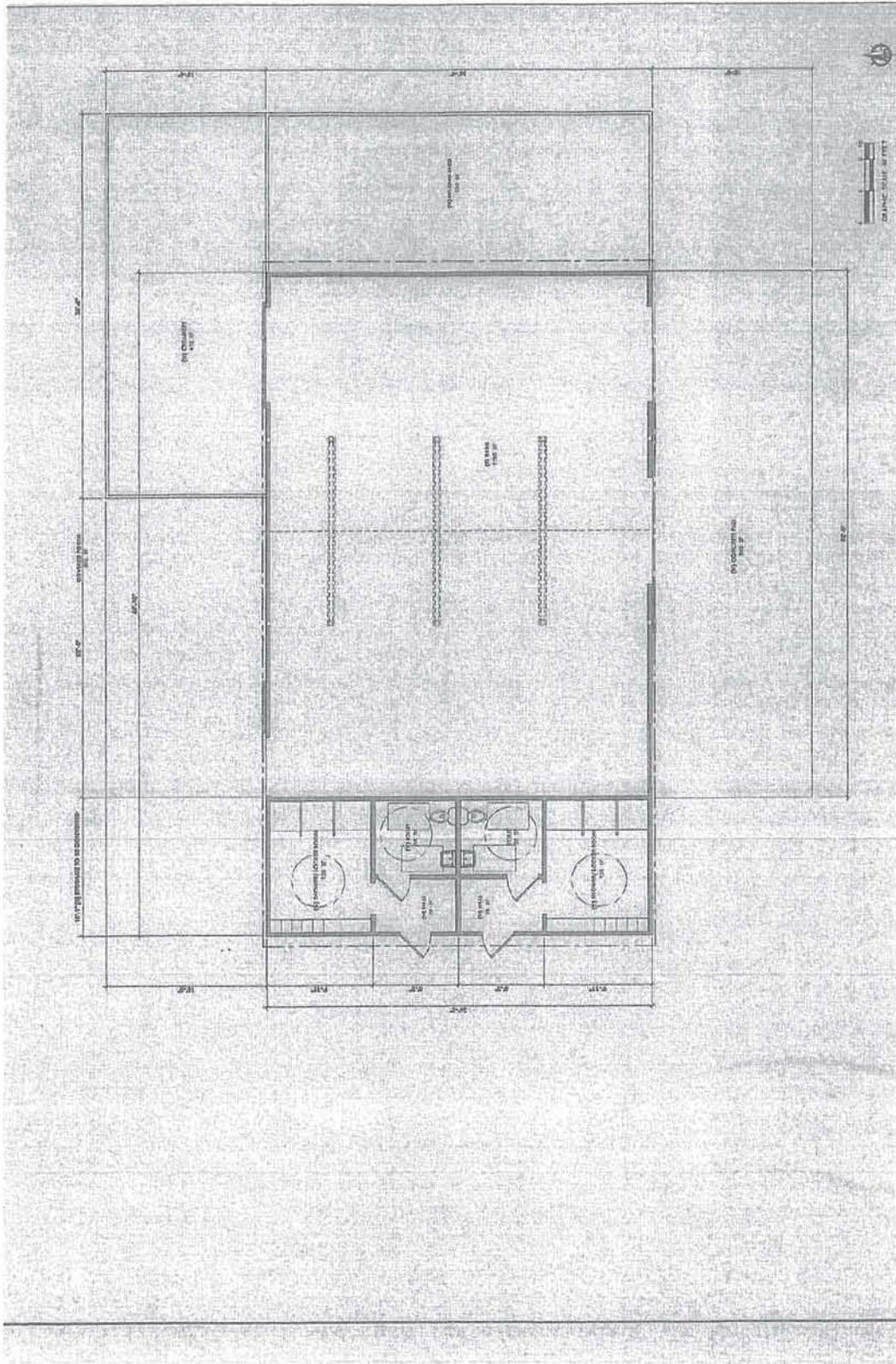
Winery Floor Plan



Activity #PLP12-0016



Barn Floor Plan



Activity #PLP12-0016



DESIGN REVIEW COMMITTEE RECORD OF ACTION
November 7, 2012

Item No.1 Time: 1:30 p.m. File: PLP12-0016
 Applicant: Nathan Beden Staff: Melinda Grosch
 Env. Doc.: N/A
 Proposal: Request for a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and production of 10,000 pounds of cheese annually and include retail sales and tasting by appointment only and including special events on a 55 acre parcel.
 Location: 5561 Sonoma Mountain Road, Bennett Valley
 APN: 049-030-010 Supervisorial District: 1
 Zoning: LIA (Land Intensive Agriculture), B6-40 acre/40 minimum, SR (Scenic Resource)
 DR Level: Preliminary
 Public Hearing: No

PEOPLE PRESENT

Design Review Committee: Staff: Melinda Grosch
 Don MacNair, Jim Henderson, Karin Theriault Applicant: Nathan & Lauren Belden
 Others: Steve Martin- Project Engineer

ENVIRONMENTAL DOCUMENT

- Negative Declaration
- Environmental Impact Report
- Not Applicable
- Categorically Exempt from CEQA

FINDINGS: N/A

PROJECT DESIGN:

- Final Review
- Advisory Comments
- Referral
- Preliminary Review

ACTION: PROJECT DESIGN NEEDS REVISION (AS INDICATED ON ATTACHED COMMENTS)

Details of Action

	Approved as Submitted	Approved as Conditioned	Bring Back on Regular Calendar	Bring Bank on Consent Prior to Issuance of Building Permit
Site Plan			X	
Building Design			X	
Elevation Drawings			X	
Bldg. Color Material		X		
Lndscp Design Draw			X	
Lndscp Const Doc			X	
Signs			X	
Grading	X			
Exterior Lighting			X	
Fence Design			X	
Signs			X	

Don MacNair: Jim Henderson: Karin Theriault
VOTE: 3 Ayes: 0 Noes: 0 Absent: 0 Abstain:

**DESIGN REVIEW RECORD OF ACTION SHEET
(COMMENTS)**

Applicant: Nathan Belden File: PLP12-0016
Address: 5561 Sonoma Mountain Rd., Bennett Valley Date: November 7, 2012

NOTE: THE APPLICANT IS URGED TO RESPOND UNDER EACH COMMENT AS TO HOW PLANS HAVE BEEN REVISED. IF A RECOMMENDED CHANGE IS NOT MADE, PLEASE INDICATE WHY. PLEASE SUBMIT YOUR RESPONSES WITH PLANS FOR FINAL DESIGN REVIEW.

SITE PLAN:

1. Modify proposed internal driveways so they are curved and look more natural on the site versus straight lines.

Response:

2. Revise the site plan to include distances to the nearest neighboring dwellings.

Response:

3. Revise the site plan to show where all outdoor activities, including special events, will take place. The outdoor locations shall also differentiate where amplified music/sound will occur.

Response:

4. Show the required bicycle parking area(s) on the site plan. Please note that the following is required for bicycle racks:

One bicycle rack space is required for every 15 employees with a minimum of eight bicycle rack spaces per location. Bicycle lockers may be substituted for the bicycle rack spaces. The bike rack(s)/locker(s) shall be installed prior to issuance of the Use Permit Operational Certificate. A "bicycle locker" is an individually locked weatherproof enclosure or supervised area within the occupied portion of a building providing protection from theft, vandalism and weather. A bike rack is defined as a securely mounted stand or other device constructed so as to enable the user to secure the bicycle by locking the frame and at least one wheel. Racks must be easily usable with both U-locks and cable locks. Racks must hold bicycles in a stable upright position and support bicycles so they resist falling over when bumped. Racks

supporting a bike by wheel only, such as standard 'wire racks', are not acceptable. Racks must hold bikes with at least two points of contact.

Response:

5. Revise the site plan to show the replacement gate location. Please note that Fire typically requires gates to be located 30 feet in from the front property line to ensure that emergency vehicles can pull safely off of the main road, stop, open the gate and proceed onto the property.

Response:

6. Revise the site plan to accurately show the location of the Bennett Valley Visual Corridor.

Response:

7. Revise the site plan to indicate how many acres of land are planted in vineyard, other crops and how much land area will be utilized for grazing.

Response:

8. Revise the site plan to show the Accessible parking area(s) and paths of travel.

Response:

ARCHITECTURE

1. Consider putting barn doors at the second story/northern portion of the new Phase II winery.

Response:

2. Put a scale and show height of winery on cross-section drawing.

Response:

3. Ensure that all proposed colors and materials are consistent with and complimentary to the existing buildings on the site.

Response:

4. Revise the floor plan of the tasting room to specifically identify all of the uses that will occur in the demonstration/prep kitchen.

Response:

5. If the existing gate at the entrance is to be replaced, provide a final gate design to include colors, materials and lighting information.

Response:

6. Consider applying a treatment to the exteriors of the new structures to achieve a weathered look.

Response:

LIGHTING

1. Provide an exterior lighting plan and cut sheets. Please note the following is required:

All exterior lighting shall be "Dark Sky Compliant" and fully shielded in order to avoid nighttime light pollution. Reference can be made to the International Dark Sky Association website for guidance on exterior lighting: www.darksky.org. All exterior lighting shall be downward facing, and located at the lowest possible point to the ground to prevent spill over onto adjacent properties, glare, nighttime light pollution and unnecessary glow in the rural night sky. Light fixtures shall not be located at the periphery of the property and shall not wash out structures or any portions of the project site. Security lighting shall be put on motion sensors. Flood lights and uplights are not permitted. Luminaires shall have a maximum output of 1000 lumens per fixture. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.

Response:

LANDSCAPING:

1. Consider adding landscaping to site to ensure vehicles parked on site during special events are substantially screened to both public and private views.

Response:

2. Consider relocating the live oaks that will be removed for site development, to the northern portion of the site- at the gate entrance in order to help screen the Phase II winery and other new site development to Sonoma Mountain Road.

Response:

3. All landscaping is subject to compliance with the Sonoma County Water Efficiency Landscape Ordinance (WELO):

- <http://www.sonoma-county.org/prmd/docs/handouts/pjr-091.pdf>
- <http://www.sonoma-county.org/prmd/docs/handouts/pjr-092.pdf>
- <http://www.sonoma-county.org/prmd/docs/handouts/pjr-001.pdf>
- <http://www.sonoma-county.org/prmd/docs/handouts/pjr-011.pdf>

Response:

FENCING:

1. All permanent fencing shall be wildlife friendly, used sparingly and applied in a manner that is absolutely necessary for the protection of vegetation, Livestock, and property. Fencing will be installed so that wildlife linkages in the area are maintained.

Response:

SIGNS:

1. Please provide information about all proposed exterior on-site signs that includes the following details:
 - example drawings of each proposed sign.
 - dimensions of each sign shown on the drawings.
 - color samples of the signs.
 - letter sizes.
 - if the sign(s) are intended to be lit, provide information about where the lighting will be located and what type of lighting is intended to be used.

Response:

BENNETT VALLEY AREA PLAN:

1. The parcel is located in Bennett Valley and is therefore subject to the development criteria of the Bennett Valley Area Plan which includes the following:
 - Structures shall blend with existing landscape and vegetation to the maximum feasible extent.
 - Structures shall be sited so that they harmonize with the natural surroundings, including but limited to topography and vegetation, specifically:
 - (a) Roof lines shall follow established lines of land and/ or tree forms;
 - (b) Existing vegetation and landforms shall be utilized to screen structures from public view.
 - Structures shall utilize color, texture and materials that blend harmoniously with surrounding landscape. The following are recommended for harmonious development:
 - (a) Materials: natural wood siding or shingles and natural stone for exteriors;
 - (b) Colors: earth tone;
 - (c) Roofing: fire resistant but dark toned if visible
 - (d) Roofline: considered in relationship to the total composition of the structure with the landscape.

- Utilities shall be placed underground from source point, unless masked by existing vegetation.
- No new structure shall be sited within visual/ scenic corridors, riparian corridors or unique biotic resource areas as designated on the Critical Open Space Map of the Bennett Valley Area Plan except where the entire parcel is included in a visual/ scenic corridor, staff shall condition the approval of such structure(s) to mitigate adverse effects to the open space resource.
- The approval of a proposed use at a proposed site will have no significant adverse effect on adjacent property.

Response:

Landowners Statement of Compliance with the Williamson Act

PJR-049

Sonoma County Permit and Resource Management Department (PRMD) cannot take action on any application for a new structure or use on a parcel restricted by a Williamson Act Contract until sufficient evidence is presented to the County that the proposed new use or structure is consistent with the Williamson Act Contract. This questionnaire provides information that enables the County to make findings of compliance with the Contract.

Nathan L. Belden Trust
Property Owner's Name

527 Alvarado Street
Mailing Address

San Francisco CA 94114
City/Town State/Zip

415-577-8552
Phone Fax

nate@airpartners.com
E-mail address (optional)

5561 Sonoma Mountain Road
Site Address(es)

Santa Rosa, CA 95405
City/Town Zip

049-030-010
Assessor's Parcel Number(s)

PLP12-0016
File Number

Williamson Act Contract Number

1. Description of proposed project:

Phased winery and farmstead with ultimate
10,000 case wine production and 10,000 lbs cheese
production and public tasting, tours & retail sales.

2. Describe the size of each parcel under the contract and explain how the property is currently being used:

1 parcel of 55 acres in size

3. Describe all existing buildings on the property, including their size, location and use. Please show them on a site plan:

See attached Site Plan with table of
existing and proposed building area summary

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue ❖ Santa Rosa, CA ❖ 95403-2829 ❖ (707) 565-1900 ❖ Fax (707) 565-1103

4. Will the proposed structure or use remove any land area from agricultural production: Yes No

5. Describe the agricultural operation; acres devoted to crop or livestock and annual income from the agricultural operation. What is your long-term intent for the property?

2.0 acres of vineyard

8.0 acres for livestock grazing

2.33 acres fruit & vegetable gardens

6. Explain how any new structures or operations on the parcel will affect the existing agricultural operations on the existing parcel or on adjoining or nearby lands. Does the use/structure displace any agricultural area or impair agricultural operations?

The new structures do not remove land from agricultural production. The new buildings allow for processing of the agricultural products grown on site.

7. Explain how your agricultural operations will not result in any lands being proposed for withdrawal from the Williamson Act:

Described above

8. The Landowner hereby makes the following representations:

- a. I acknowledge that the activity, use, or construction as proposed will be conducted in such a way as to maintain the agricultural viability of the parcel.
- b. I am aware of the provisions of the Williamson Act (Section 51250 of the California Government Code) and of the allowable uses on Williamson Act properties as defined by Sonoma County Code and the Sonoma County Rules and Regulations for Administration of Agricultural Preserves.
- c. I understand that AB1492 (Government Code Section 51250) defines specific and substantial penalties if construction on the parcel is found by the County of Sonoma or State of California to result in a material breach of the contract provisions.
- d. I acknowledge that the contract restricts residential use and that the Department of Conservation has indicated that: "Residences not incidental to an agricultural use are prohibited, and may trigger AB1492 penalties. These may include residences for persons or family members not involved with the agricultural use, or residence constructed on contracted parcels with no commercial-agricultural use."

Melinda Grosch

From: Byron LaGoy [blagoy@sonic.net]
Sent: November 20, 2013 8:39 AM
To: Melinda Grosch; Susan Gorin
Subject: December 5th Use Permit Hearing

11/20/2013

Re: PLP12-0016 application from Nathan Belden, 5561 Sonoma Mtn. Rd., requesting a Use Permit

Dear Ms. Grosch and Ms. Gorin,

My wife and I live less than a quarter mile from the Belden property. We attended a meeting at the Beldens' home on November 14th to hear about their plans for creating a farmstead on their property that would include a winery, public tasting room, cheese making business, and special events center. Though immediately impacted by their plans, we were not invited to the November 14th meeting. We knew nothing about the Beldens' plans until our next door neighbors, who received an invitation, told us about what seemed to be all but an accomplished fact. Our neighbors knew nothing about the Beldens' plans until shortly before they received the November 14th invitation. Though we have now heard that the county sent out an announcement concerning the prospective farmstead a year ago, neither our next door neighbors nor ourselves received such a notice.

We have lived on Sonoma Mountain Rd. for 30 years. While we can appreciate the Beldens' farmstead dream, we strongly feel, as part of the Sonoma Mountain Road community, the additional amount and kind of traffic it will create represents a danger to all of us on our road.

An article in the Press Democrat in 2012 identified Sonoma Mountain Rd. as one of the two worst roads in Sonoma County. On that part of the road between Pressley and Glen Ellen, there are places in which the road is both winding and a single lane. According to figures in the article, and the Beldens' projected increase in traffic if their farmstead, as presently proposed, is allowed, traffic use would increase by about 15%. We think that is a significant increase in use on a road of insufficient quality to adequately support present use. The coming and going of construction trucks, bottling and delivery trucks means additional use above the 15% figure. The existence of a public tasting room and special events guarantees, in our opinion, the presence of many inebriated drivers on Sonoma Mountain Rd. in the daylight and after dark. We think people will quickly decide that wine tasting jaunts between the Matanzas winery in Bennett Valley and the wineries in Glen Ellen, with a stop at the Beldens' for wine and cheese, are a good idea. We do not think that is a good idea, and a Use Permit that allows the creation of such a farmstead as the Beldens propose promises both excessive wear and tear to an already damaged road, danger to those already using that road, and sets an undesirable precedent for others who decide they want similar facilities on their property.

The same article in the Press Democrat referred to above said there are 200 cyclists a day on Sonoma Mountain Rd. A smaller number of us walk and jog on the road several days a week. An open space hiking trailhead near our home that goes all the way to Jack London State Park will be opening in the near future. The combination of wine tasting traffic and so many fragile bodies regularly encountering one another on our poorly maintained road seems like a dangerous combination to us. No one wants to be an inadvertent victim of the Belden's farmstead dream.

We are opposed to the granting of a Use Permit for the project as currently proposed by the Beldens. We understand that a decision on that Use Permit is scheduled for December 5th.

We request that date be re-set for late February/early March at the soonest in order for the Sonoma Mountain Rd. community to be adequately notified about what might be taking place, and to have a chance to review and discuss the ramifications. At present, and for whatever reasons, almost no one seems to be aware of the proposed Belden development; and those of us who do know have only just learned about it.

Thank you for your time.

Amy Rodney and Byron LaGoy

Melinda Grosch

From: Donna Parker [Donna@winepro.com]
Sent: November 21, 2013 3:13 PM
To: Susan Gorin; Melinda Grosch
Subject: Proposed Commercial Winery and Tasting Room - Sonoma Mountain Road

Dear Susan and Melinda:

November 20, 2013

Re: Proposed Commercial Winery and Tasting Room

5561 Sonoma Mountain Road

We live at 5412 Sonoma Mountain Road and have for the past 26 years. We just heard about a planned 10,000 case winery, with a Public Tasting Room, 10 annual events, and 10,000 lbs. of cheese production to be located at 5561 Sonoma Mountain Road. As applied for, this would not be an appointment only Tasting Room, but rather open to the public without appointment.

We just learned there is a public hearing scheduled for December 5th by the Sonoma County Board of Zoning Adjustments at which permission for this project could be given. None of the neighbors we have contacted know about this project, nor about the hearing on December 5th.

Sonoma Mountain Road has been identified as one of the worst roads in Sonoma County. A decision to allow the first open Commercial Winery and Public Tasting Room on this road is a very important decision. It affects everyone in Bennett Valley and on Sonoma Mountain Road, not just close neighbors. The winery/tasting room proposal does not address the further deterioration of Sonoma

Mountain Road that might be a consequence of constructing an 8,000 sf. winery and employee residences.

The County notification about this project in September of last year said the petitioner's intent was to have a tasting room by appointment only and no special events. That intention has changed significantly since notification was sent out, which is why we are asking for a postponement of the December 5th hearing. We are also asking for your support in our request for a continuation, which would give us time for the creation of a forum in which residents would have a fair opportunity to understand and participate in this important decision. A continuation would also allow the County time to properly notify residents of the proposed project.

Thank you for your time.

Don and Donna Parker

Melinda Grosch

From: Scott McIntosh [ivyglen@msn.com]
Sent: November 26, 2013 6:16 PM
To: Melinda Grosch
Subject: Request re-schedule hearing for PLP12-0016 application from Nathan Belden
Attachments: Photos for 5561-SMR-WINERY-CHEESE-PLP12-0016.pdf

Dear Melinda Grosch,

I am Scott McIntosh, living at 6607 Sonoma Mountain Road, Santa Rosa.

Today finding one Notice Of Public Hearing some distance from 5561 Sonoma Mountain Road I request the hearing scheduled for December 5, 2013 be re-scheduled after the new year perhaps in February 2014.

The Notice dated November 15, 2013 was just found with scant time during the Thanksgiving holiday week to research available information regarding the PLP12-0016 application from Nathan Belden.

As presented I am opposed to the application due to several issues including the impact on the second worse road in Sonoma County.

Thank You.

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The Sonoma County Permit and Resource Management Department has received application PLP12-0016 from Nathan Belden requesting a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese annually and including retail sales and tasting and limited special events on a 55 acre parcel located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoning LIA (Land Intensive Agriculture), 88-40 acre density/40 acre minimum, SR (Scenic Resources); Supervisorial District No. 1.

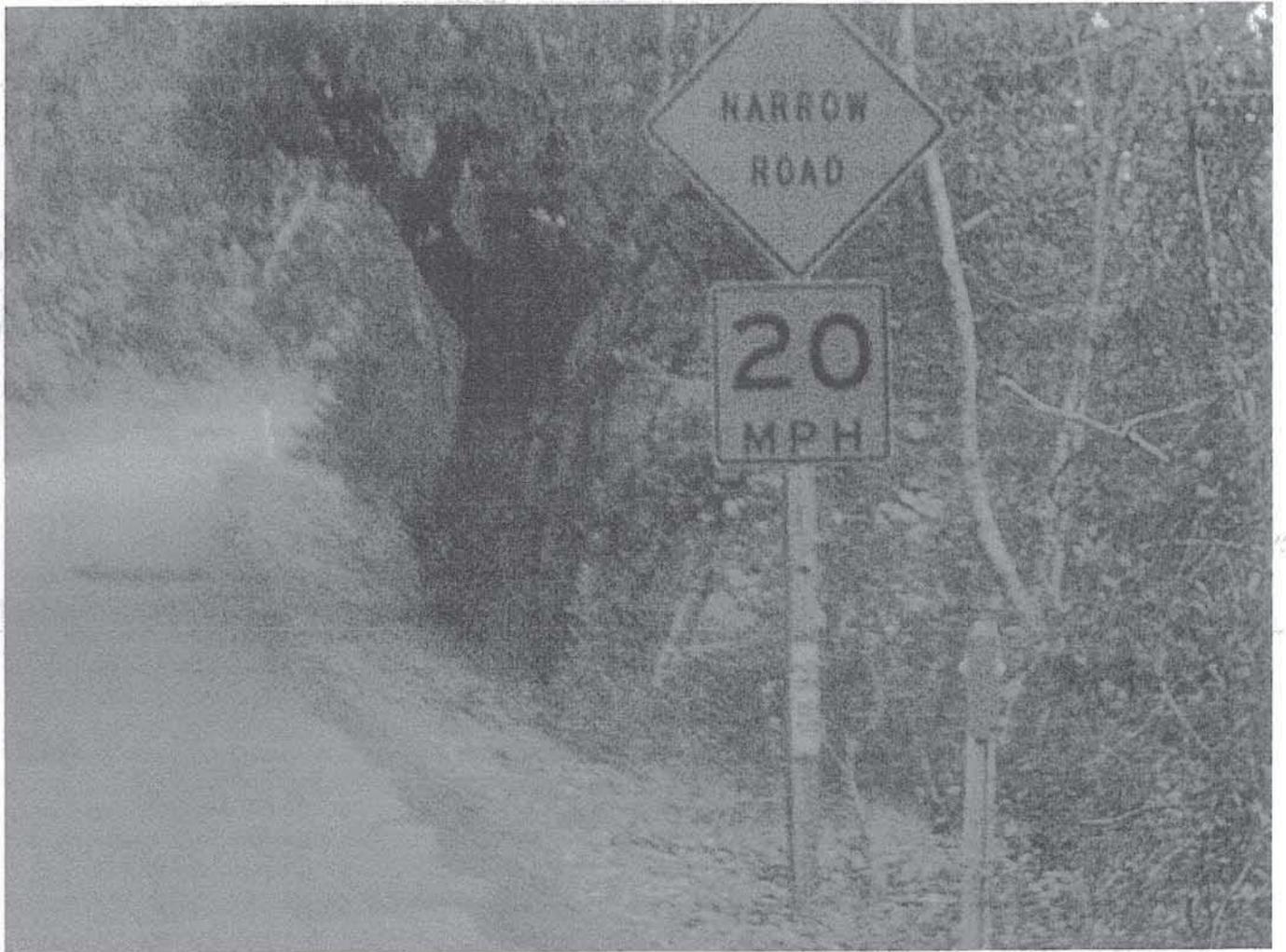
A Mitigated Negative Declaration, including mitigation measures agreed to by the applicant, has been prepared for the project to avoid or reduce to a less-than-significant level potentially significant adverse impacts on the environment. Potential environmental impacts have been identified in the following topic areas: Aesthetics, Agricultural & Forest Resources, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emission, Noise, and Transportation/Traffic.

The Sonoma County Board of Zoning Adjustments will conduct a public hearing to consider adoption of a Mitigated Negative Declaration and an action on the project and Conditions of Approval at 1:10 p.m. on December 5, 2013 in the hearing room at the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa.

If you challenge the decisions on the project in court, you may be limited to raising only those issues previously raised before the Board of Zoning Adjustments at the hearing or in written form delivered to the Board of Zoning Adjustments prior to or at the hearing.

Prior to the hearing, the project details and environmental documents may be reviewed at, or written comments submitted to the Permit and Resource Management Department, at 2550 Ventura Avenue, Santa Rosa, CA 95403. Contact Melinda Grosch via email at Melinda.Grosch@sonoma-county.org or at (707) 565-2397. In addition, you may contact the project applicant directly Nathan Belden at 415-577-8552.

Date: November 15, 2013







The photos above of Sonoma Mountain Road show a substandard road as of 11.26.2013.

The request to establish both a retail winery and major cheese production at the same location on Sonoma Mountain Road would degrade the road further.

A dramatic change in lifestyle for us would occur if a retail winery and cheese factory is granted a permit along our road. Most of us bought property on the road to enjoy the rural and farming area.

Scott McIntosh
6607 Sonoma Mountain Road
Santa Rosa

Melinda Grosch

From: Cathy Sowell [catsowell@vom.com]
Sent: November 26, 2013 3:11 PM
To: Melinda Grosch
Subject: December 5th hearing on Nathan Belden request for use permit

I have just received notice of the proposed meeting and wonder why this notice didn't go out sooner. There is very little time to research or investigate the impact of this project which is less than 2 mills from my home or to schedule to attend the meeting. Please advise when this notice was originally given and where it was published.

Melinda Grosch

From: Mary Neuer Lee [maryneuerlee@gmail.com]
Sent: November 26, 2013 6:44 PM
To: Melinda Grosch
Subject: 5561 Sonoma Mountain Road

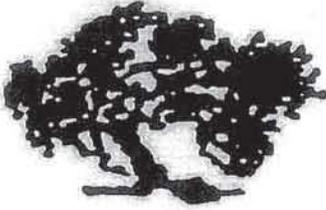
Melinda,

We have lived at 6815 Enterprise Rd in Glen Ellen for 42 years. I agree with Scott McIntosh that this hearing (that I have only just now found out about) should be postponed until after the holidays. This is very short notice for a project that can significantly impact our road as well as Sonoma Mountain Road. We cannot afford the increase in traffic.

Traditionally, most vehicles will use Enterprise Rd from Santa Rosa as it is slightly wider than the Sonoma Mountain Rd access. Traffic here has increased significantly in the last 10 years with all the support vehicles for the huge homes being built on the mountain.

Please give us a chance to review this case before it is presented to the board.

Thank you,
Mary Neuer Lee
707-696-7471



Bennett Valley
Community Association

P.O. Box 2666, Santa Rosa, CA 95404
<http://bennettvalley.org>

November 27, 2013

Re: PLP12-0016, December 5, 2013 (Continued to December 19, 2013)

Sonoma County Board of Zoning Adjustments
c/o Melinda Grosch
2550 Ventura Avenue
Santa Rosa, CA 95403

Dear Board Members:

The Bennett Valley Community Association (BVCA) was established in 1970 (originally Bennett Valley Homeowners Association) and is dedicated to promoting and preserving the rural, residential character and natural environment of Bennett Valley. The BVCA serves as a local forum to discuss issues that affect our community. Many of our residents expressed concern that the proposal for a new phased agricultural processing facility for wine and cheese at 5561 Sonoma Mountain Road included a tasting room (7 days a week; 11- 5). See attached Notice of Public Hearing and Intent to Adopt a Mitigated Negative Declaration for PLP12-0016. The BVCA typically does not object to use permits for proposed wineries that allow tasting by appointment only. Matanzas Creek Winery, Bennett Valley Road, has the only open public tasting room in Bennett Valley.

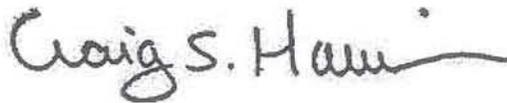
Nathan and Lauren Belden, project proponents, kindly accepted our invitation to explain their project and to respond to questions at our meeting on the evening of November 21. Subsequently by letter dated November 24 the Beldens informed the BVCA that they are revising their proposal to allow tasting by appointment only (attached). This revision resolves any issues that the BVCA might have raised, and we commend the Beldens for meeting with our community and being responsive to issues that concern our residents.

We recognize that the Board of Zoning Adjustments does not establish the policies for road maintenance in Sonoma County. However, we would be remiss not to take this opportunity to note that the horrid road conditions of Sonoma Mountain Road contributed greatly to the concerns about this project. The Department of Transportation and Public Works classifies

most of the 7.9 miles of this road to be in failed or failing condition. Similar issues have recently been raised with respect to a use permit at the Sonoma Mountain Zen Center (Santa Rosa Press Democrat, "Sonoma Mountain Road conditions at heart of controversy over Buddhist retreat's expansion," July 12, 2013). In addition, the Jacob's Ranch entry to the Sonoma Mountain North Slope Ridge Trail will soon be open to the public and allow access to this regional park. Earlier this month the "Road Warrior" named Sonoma Mountain Road and Springhill Road to be the worst roads in Sonoma county. We urge the members of this board to bring this chronic problem to the attention of county decision makers. The BVCA has been asking for the roads in our community to be fixed for almost a decade, and we hope that a significant portion of the \$8 million that is available in 2014 to fix local roads allocated to Sonoma Mountain Road.

Please contact me at charrison@hunton.com or (707) 573-9990 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Craig S. Harrison". The signature is written in a cursive style with a long horizontal flourish at the end.

Craig S. Harrison
President

Attachments

cc Supervisor Susan Gorin

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The Sonoma County Permit and Resource Management Department has received application **PLP12-0016** from Nathan Belden requesting a Use Permit for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese annually and including retail sales and tasting and limited special events on a 55 acre parcel located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoning LIA (Land Intensive Agriculture), B6-40 acre density/40 acre minimum, SR (Scenic Resources); Supervisorial District No. 1.

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: Aesthetics, Agricultural & Forest Resources, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emission, Noise, and Transportation/Traffic.

The **Sonoma County Board of Zoning Adjustments** will conduct a public hearing to consider adoption of a Mitigated Negative Declaration and an action on the project and Conditions of Approval at **1:10 p.m. on December 5, 2013** in the hearing room at the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa.

If you challenge the decisions on the project in court, you may be limited to raising only those issues previously raised before the Board of Zoning Adjustments at the hearing or in written form delivered to the Board of Zoning Adjustments prior to or at the hearing.

Prior to the hearing, the project details and environmental documents may be reviewed at, or written comments submitted to the Permit and Resource Management Department, at 2550 Ventura Avenue, Santa Rosa, CA 95403. Contact Melinda Grosch via email at Melinda.Grosch@sonoman-county.org or at (707) 565-2397. In addition, you may contact the project applicant directly Nathan Belden/415-577-8552.

Date: November 15, 2013

Nate and Lauren Belden
5561 Sonoma Mountain Road
Santa Rosa, CA 94114

November 24, 2013

Bennett Valley Community Association
4145 Grange Rd
Santa Rosa, CA 95404

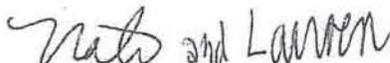
Dear BVCA Board,

Thank you for providing a forum for us to discuss the Belden Barns Winery and Farmstead project with your group and various Bennett Valley neighbors on Thursday, November 21st. It was apparent in the meeting that the permitting process for this particular project has required patience from all of us. As was the case in our home when hosting a handful of neighbors to discuss the project on November 14th, the BVCA Board members and attending neighbors primarily voiced concerns about traffic and road safety related to a new winery in Bennett Valley. Specific to our project, parties were concerned that our permit was submitted on the basis of "tasting open to the public." It was stated in the November 21st meeting that the BVCA Board and neighbors attending the meeting would not oppose our project if the tasting portion of our permit was changed to "tasting by appointment only."

Lauren and I are putting substantial mental and financial resources, not to mention dreams, into this project and want to give it every opportunity to succeed. We are hoping it will support our growing family for years to come and provide legitimate opportunities for farmers and food artisans. In this regard, we have felt that the flexibility and incremental opportunity of visitors to Belden Barns provided by "tasting open to the public" is very meaningful for our business in helping it to get off of the ground. Discussions taking place over the past two weeks have made us rethink our stance. Hosting and attending meetings with neighbors and the BVCA amplified the fact that we respect and share the community's concerns about traffic and road safety. We would be raising similar concerns if we were in our neighbor's shoes. Further, it's of primary importance to us to be good neighbors and we feel our business will not be successful without building a strong sense of community. While we feel changing the tasting portion of our permit to "by appointment only" will add stress to the start of our business, we have decided to make that change and feel it is the right thing to do.

We appreciate the role the BVCA played in this process. We also appreciate the levelheaded tone both the Board and neighbors have displayed. In the midst of a rocky discourse driven by an imperfect process, people spoke their minds in a respectful way and we appreciate that.

Best Regards,


Nate and Lauren Belden

Melinda Grosch

From: Byron LaGoy [blagoy@sonic.net]
Sent: December 02, 2013 9:42 AM
To: Melinda Grosch
Cc: Susan Gorin
Subject: December 5th Use Permit Hearing

12/2/2013

Re: PLP12-0016 application from Nathan Belden, 5561 Sonoma Mtn. Rd., requesting a Use Permit

Dear Ms. Grosch,

We are writing to confirm that the public hearing to consider the Belden's request for a Use Permit application for a winery, cheese manufacturing plant, public tasting room, and special events venue on Sonoma Mountain Road is still scheduled for 1:10 PM on December 5, 2013, at 2550 Ventura Ave., Santa Rosa.

One of our neighbors spoke with you in the last couple weeks regarding the possibility of a continuance for the December 5th hearing, as almost no one on Sonoma Mountain Road has heard about the Belden's plans. In your conversation with our neighbor, you said that the granting of a continuance wasn't possible prior to the December 5th hearing. While it's our understanding that many of our neighbors have now been apprised of the Belden's proposal, and have altered their plans for that day in order to attend the hearing, we are not quite sure the meeting scheduled for the 5th is still taking place.

There was a meeting of the Bennett Valley Community Association on November 21st that we were unable to attend because we were out of town. It's our understanding that the only people present at that meeting were the 6 members of the Association board, 3 residents of the Sonoma Mountain Road community, and the Beldens. And yet, a letter dated 11/27/2013 was sent, care of your attention, to the Sonoma County Board of Zoning Adjustments, in which the subject line said, Re: PLP12-0016, December 5, 2013 (Continued to December 19, 2013). We have no idea what the "Continued to December 19" is about. We have spoken to one of the three neighbors at that meeting, and they have no idea what the December 19th date reflects. As many of us have already altered our plans for December 5th in order to attend the hearing, and few know of any possible continuance to December 19th, we are writing to you to confirm that the December 5th hearing on the Belden's proposal is still scheduled to take place.

Thank you for your time.

Amy Rodney and Byron LaGoy

cc: Susan Gorin

Melinda Grosch

From: Brian Mutert [BMutert@Stratagem.com]
Sent: December 02, 2013 3:06 PM
To: Melinda Grosch
Subject: Objection to fast timing of public hearing on PLP12-0016

Melinda and the staff at the PRMD,

I own a property at 5767 Sonoma Mountain Rd. I just received notice that there is going to be a public hearing on Dec 5th regarding the Intent to Adopt a Mitigated Negative Declaration very close to my home. (application PLP12-0016 regarding a 10K case winery and a 10k lb cheese factory, retail sales and tasting room and special event facility at 5561 Sonoma Mtn Rd.).

I stridently object to this public hearing taking place so soon after getting notice to this large and unprecedented project on Sonoma Mountain Rd. It is clear that I am not the only one objecting to the fast timing of this hearing – especially since the time period between the included the Thanksgiving holiday. There is no way that the owners of the properties on Sonoma Mountain Rd have had sufficient time to review and prepare comments and/or objections to this project. Furthermore, your letter specifically states that our legal rights may be limited after this hearing.

Based on an existing business trip for later this week, I will not be able to attend the public hearing and the notice is too close for me to reschedule this trip.

Given the magnitude of this hearing on my property, I believe a phone call to me is warranted and the timing of the meeting should be postponed until at least after the holidays.

Thank you for your immediate reply.

Brian Mutert
415-637-4617 cell

Melinda Grosch

From: Matt Phillips [matt@ncvsllc.com]
Sent: December 03, 2013 2:19 PM
To: Melinda Grosch
Cc: Susan Gorin
Subject: Belden project on Sonoma Mountain Road

To Melinda Grosch & Susan Gorin,

My name is Matt Phillips. I live off of Sonoma Mountain Road in the 5500 block. I received a flyer in my mailbox within the last few days. The flyer is not signed; there is no way to know who put it in my mail box. Interestingly, my mail box is behind a closed gate and a half mile from the main road. The flyer was not mailed, it was delivered. So, if I got one, most likely everybody else on Sonoma Mountain Road did too. I am writing to you two, because the flyer provided your email addresses. If I had Mr. Belden's address, I would copy him on it too.

I don't know Nathan Belden. We have never met. Apparently his place is within a half mile of mine. I was not aware that he had applied to have a winery/creamery, tasting room, etc.

The flyer that was delivered to me makes it clear that I am to voice my *opposition* to Mr. Belden's application. The primary concern of the author of the flyer appears to be more traffic on an already terrible road, (potentially true) and the potential of drunk drivers on said terrible road. (already true regardless of the presence of a new, small winery) Some people drive drunk. It's a fact of life. Some hurt themselves or others; some get away with it. If there were a cop on every corner, and all wineries were outright banned, there would still be drunk drivers.

I spent almost \$3,000 rebuilding the front end of my heavy-duty, ¾ ton 4x4 pickup this year. The truck has 54,000 miles on it. Repairs like that should not have been needed until the truck had at least 150,000 miles on it. In addition, my sister was killed by a drunk driver on Petaluma Hill Road. I have direct and personal experience with bad roads and drunk drivers.

That said, Mr. Belden has purchased a piece of property in Sonoma County wine country. He wishes to create or improve the income potential of that property. As long as he is doing so legally, and complies with the obscene amount of regulations that have undoubtedly already been placed on him, he should have **EVERY RIGHT** to pursue his ambitions with his property. Conversely, his neighbors have no right to try and stop him.

If the issue is the condition of the road, the solution is simple: Fix the road. Sonoma County has the money to fix all of its roads correctly. The county has *chosen* to spend that money in other areas. Public safety pensions and health care seem to be the most ridiculous expenses, but there is also talk of yet another jail, (a halfway house is just a jail by another name) there is the dumb train, among many, many others. All of these projects that are funded by taxpayers have limited potential and serve to COST all of us money, but provide little or no return. In a county that survives on taxes provided by the wine industry and tourism, it seems entirely backwards that a winery trying to start up is being challenged.

Fix the roads and allow businesses to work and pay taxes. If you do, you'll create a better environment for people to live, work, visit and contribute to the tax base. If those things happen, then you can continue to pay six figure pensions to people who retire, after doing very little actual work, at 50 years old and on the backs of the rest of us who will never be able to retire at all.

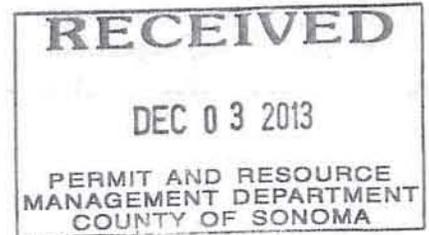
And by the way, if you put the road repairs out to competitive bids, with private companies who survive on good work without cost overruns or waste, you'll save the taxpayers millions and millions of dollars. A private construction company repaired a major land slide on Sonoma Mountain Road a few years back after the County Roads Department said it couldn't be repaired at all and simply closed the road to all traffic to and from Glen Ellen for over two years.

Respects,

Matt Phillips

Operations Manager
North Coast Vineyard Services LLC
100 Mary-Paige Lane
Santa Rosa, Ca. 95404
707-527-5682 Office
707-546-1154 Fax
matt@ncvsllc.com
www.ncvsllc.com

255 Sonoma Ridge Road
Santa Rosa, CA 95404
December 1, 2013



Re: Hearing to consider application PLP12-0016

To Whom It May Concern:

I write to express my deep concern about Belden Farms' application for approval of a processing facility to produce as much as 10,000 cases of wine and 10,000 pounds of cheese annually, and that would include retail sales, tastings, and special events.

As I will be out of town December 5 and thus am unable to attend the scheduled hearing, I hereby express my opposition to this application and ask that it be denied.

My opposition is based on numerous factors:

- Allowing said facility to be constructed and operated would accelerate the deterioration of Sonoma Mountain Road, posing dangers not only to those of us who reside in this area, but to the many cyclists who traverse this mountain pass daily.
- The noise created by these production facilities, some of which clearly would be year-round, would far exceed the seasonal harvest noises that those of us living in this agricultural area have come to expect and tolerate, thereby impinging on the peaceful enjoyment of the properties we have purchased.
- Lastly, creation of a large processing and, notably, retail operation on Sonoma Mountain Road is incompatible with, and would irrevocably change, the pastoral nature of this scenic byway, which county regulations heretofore have sought to preserve.

On several occasions, I have expressed to the Sonoma County Board of Supervisors that it is irresponsible to allow further commercial development of this area without attention to the serious and ongoing deterioration of Sonoma Mountain Road. To date, those legitimate concerns of safety have gone unaddressed. This proposal only deepens those concerns, and adds thereto the very real prospect that my reasonable expectations in purchasing my current property are not only being undermined by Mr. Belden, but knowingly defrauded by the county.

For these reasons, I urge that PRMD reject this application. Absent an adequate response, I am prepared to join others in bringing suit against the county to preclude its approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Guest". The signature is written in a cursive style with a long horizontal line extending to the right.

Amb. (ret.) Michael Guest

Melinda Grosch

From: Sandra Macneill [smacneill1@aol.com]
Sent: December 07, 2013 11:10 AM
To: Melinda Grosch
Subject: Use Permit application PLP12-0016

To Melinda Grosch:

As a resident of Sonoma Mountain Road, I wish to register my opinion that the above-referred wine and cheese processing facility, with retail sales and special events, would put an undue burden on our already-deteriorating road, as well as increase the danger of driving, walking or bicycling on this road. It already feels dangerous at times to cross it on foot to reach my mailbox. I already need to drive with care to avoid bicyclists, residents walking their dogs, and wildlife. To add wine-tasters or event-attendees to the mix could only increase the hazards for the people who live here. Please consider the input of the public, our local zoning and our lack of road repair before ruling on this permit.

Thank you for your fair and complete consideration on this matter.

Sandra Macneill
4320 Sonoma Mountain Rd

Melinda Grosch

From: caaom@aol.com
Sent: December 08, 2013 8:14 AM
To: Melinda Grosch
Subject: Wine and Cheese Tasting

Dear Melinda Grosch,

I am deeply concerned about the proposal for allowing our neighbors to do such a business which would increase traffic on our already poorly maintained road: Sonoma Mountain Road. Please don't allow this to happen without also agreeing to improve our road. I am ambivalent about having this business here even with better roads, however. The traffic will increase and it is already dangerous to walk.

Thank you

Claire Arnesen
4320 Sonoma Mountain Rd
Santa Rosa, CA 95404

Melinda Grosch

From: victor colli [vcolli@sbcglobal.net]
Sent: December 12, 2013 9:10 AM
To: Melinda Grosch
Subject: Belden's use permit PLP12-0016

I have lived on Sonoma Mtn. Rd. since 1986. I walk the road from my house up past the Redwood grove at least 4 times weekly, passing Beldens's place. The road condition is the worst it has ever been. Traffic on the road requires me, in the widest part, to walk off the shoulder of the road so that two cars may pass. I can not believe that anyone would consider a project that certainly would increase traffic. As one continues to Glen Ellen the road is certainly only one lane. Those that know the road can avoid accidents, but those driving it for the first will find it challenging. As you well know those attending a wine and cheese event will most often have had some wine to drink prior to driving to Belden's. Granting this use permit is a recipe for disaster and a sure degeneration of an already terrible road.

Sincerely,

Victor Colli, 707-5750783

Resolution Number

County of Sonoma
Santa Rosa, California

December 19, 2013
PLP12-0016 Melinda Grosch

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO
NATHAN BELDEN, FOR PROPERTY LOCATED AT 5561
SONOMA MOUNTAIN ROAD, SANTA ROSA; APN 049-030-010.

WHEREAS, the applicant, Nathan Belden, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional events per year, located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoned LIA (Land Intensive Agriculture) B6-40 acre density/40 minimum parcel size; Supervisorial District No 1; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on December 19, 2013, at which time all interested persons were given an opportunity to be heard.

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 Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. 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 Land Intensive Agriculture designation. The project is consistent with 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. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.
2. The proposed project is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows processing of agricultural products of a type grown or produced in the immediate area, if a Use Permit is obtained. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries

under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.

3. 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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures 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.
4. 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:
 - a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

- b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the

proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.
- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project
- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.
- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through

direct removal, filling, hydrological interruption, or other means, will not 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 because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.

- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.
- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.
- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.

- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the 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 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.

Melinda Grosch

From: Dalene Whitlock [dwhitlock@w-trans.com]
Sent: January 21, 2014 1:52 PM
To: Melinda Grosch
Cc: Steve Martin (steve@SMAssociates.net)
Subject: RE: Belden Barns

Melinda, Steve forwarded your message to me, and I've looked back at the study we did for Belden Barns to try and answer the questions asked.

First, our study doesn't include any operational analysis, so the presence or absence of trips from other projects is basically irrelevant in terms of the information already provided. However, to give Commissioner Fogg better information for his consideration of the project, here's some data that I hope you'll find useful.

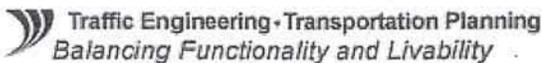
The traffic study for the park project indicated that Sonoma Mountain Road could handle 5,000 vehicles per day based on the County's standard for rural roads. The count provided in that study was 822 vehicles per day (vpd); our counts done in April 2012 near the Belden Barns site showed 360 vpd. The two counts were likely done at different places, so I'm not sure any comparison between them is appropriate, but I provide both in case you want them. The park is expected to add 81 daily trips and the winery 61 daily trips, and regardless of which daily volume you add that to, it's still substantially less than the 5,000 vpd that the roadway can theoretically carry. The Zen Center existed when our counts were taken, so these trips are already included in the daily trip counts.

As far as directionality goes, we evaluated the need for both left-turn and right-turn lanes at the entrance to the winery assuming that 100 percent of the traffic came in both directions. Even under these conservative assumptions, we found that turn lanes are not warranted. Based on the information noted above, whether you add all of the project trips to the route toward Santa Rosa or Glen Ellen, the volumes are still well below the standard thresholds.

I hope this adequately answers the questions posed, but if you need anything further, please let me know.

Dalene

Dalene J. Whitlock, PE, PTOE, Principal
Whitlock & Weinberger Transportation, Inc. (W-Trans)
490 Mendocino Avenue, Suite 201
Santa Rosa, CA 95401
voice: (707) 542-9500 / cell: (707) 486-5792 / fax: (707) 542-9590
www.w-trans.com



Please consider the environment before printing 

Begin forwarded message:

From: Melinda Grosch <Melinda.Grosch@sonoma-county.org>
Subject: Belden Barns
Date: January 13, 2014 11:25:45 AM PST
To: "Steve Martin" <steve@smassociates.net>

Steve,

Has W-Trans had a chance to address Commissioner Fogg's comments/concerns?

Specifically:

Was traffic from the Zen Center and the new Park included in the traffic calculations?

Did the study look at traffic coming from both Santa Rosa side and Glen Ellen?

Thanks! And Happy New Year,

Melinda B. Grosch

Planner III

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue

Santa Rosa CA 95403

PH: 707-565-2397

FAX: 707-565-1103

e-mail: Melinda.Grosch@sonoma-county.org

Lobby Hours:

Monday through Thursday from 8:00 a.m. until 4:00 p.m.

The lobby is closed on Friday.

Melinda Grosch

From: Dalene Whitlock [dwhitlock@w-trans.com]
Sent: January 24, 2014 3:10 PM
To: Melinda Grosch
Cc: Steve Martin (steve@SMAAssociates.net)
Subject: Belden Barns
Attachments: Volume Comparison.pdf

Melinda, here are a few notes about the comments received in the letter from Bill McNearney and Gail Eva Young.

Much is made about the condition of the road, but this is not an issue that we would address in a traffic study unless the project will generate a substantial amount of truck traffic (such as a quarry). The type of traffic that this project will generate will have little effect on the structural integrity of the road, regardless of its condition. It is noted that poor pavement generally results in slower traffic speeds, which translates to better safety conditions, not a negative safety impact.

They commented about our use of 2.5 occupants per vehicle; this is a County standard, though we have verified it independently through the data we've gathered at various wineries over the years.

While I don't doubt that there may be unreported collisions, either with other vehicles, fixed objects, or animals, unless those crashes are reported there is no way that we can include them in our analysis. Further, since the rates we compare them to are also only based on reported collisions, it results in a reliable way of determining if the road is generally operating safely or not. In this instance the collision rate was below the statewide average, so crashes are occurring at a rate that is relatively typical. Again, the poor condition of the roadway does not mean that there is a safety problem, and in fact results in lower speeds and therefore a reduced number of crashes.

As regards cyclists, their presence on rural County roads is quite common, though typically limited to experienced cyclists who are accustomed to sharing the travel lane with motor vehicles. The poor pavement condition may deter some cyclists, but for those who choose to ride this route, they should encounter vehicular traffic moving at a slower pace because of the poor pavement conditions.

Finally, I requested counts from T&PW, and got counts from 2002 on. Attached is a simple spreadsheet showing these volumes. Note that near Bennett Valley Road, Sonoma Mountain Road carries more than 1500 vehicles per day, while the volumes near Pressley Road were almost one-third that high. The volumes on all of these roads are fairly low, but particularly on the section of Sonoma Mountain Road east of its intersection with Pressley Road, where the project is located.

I hope this is helpful in responding to Commissioner Fogg, but I'm planning on attending the hearing on February 20 in case there are further questions.

Dalene

Dalene J. Whitlock, PE, PTOE, Principal
Whitlock & Weinberger Transportation, Inc. (W-Trans)
490 Mendocino Avenue, Suite 201
Santa Rosa, CA 95401
voice: (707) 542-9500 / cell: (707) 486-5792 / fax: (707) 542-9590
www.w-trans.com

Location	Date	EB or NB	WB or SB	Total
Sonoma Mountain Road east of Pressley	Jun-02	392	324	716
	Oct-06	224	217	441
	May-10	245	229	474
	<i>AVERAGE</i>	<i>287</i>	<i>257</i>	<i>544</i>
Enterprise Road south of Bennett Valley Road	Jun-02	256	210	466
	Oct-06	171	146	317
	May-10	112	98	210
	<i>AVERAGE</i>	<i>180</i>	<i>151</i>	<i>331</i>
Pressley Road north of Lichau	Mar-02	573	567	1140
	Aug-02	501	723	1224
	Oct-06	463	512	975
	Sep-09	530	519	1049
	Sep-12	519	520	1039
	<i>AVERAGE</i>	<i>517</i>	<i>568</i>	<i>1085</i>
Sonoma Mountain Road east of Bennett Valley Road	Mar-02	831	918	1749
	Sep-06	754	783	1537
	Sep-09	689	677	1366
	Sep-12	730	660	1390
	<i>AVERAGE</i>	<i>751</i>	<i>760</i>	<i>1511</i>

Melinda Grosch

From: Donna Parker [Donna@winepro.com]
Sent: February 26, 2014 4:01 PM
To: Melinda Grosch; Susan Gorin
Cc: David Rabbitt; Shirlee Zane; "- MikeMcguire"@sonoma-county.org; Efen Carrillo
Subject: Fwd: Letter to Melinda Grosch and Board of Zoning Adjustments

Melinda:

Please distribute copies of this letter to the Commissioners of the Board of Zoning Adjustments. Thank you.

Re: PLP12-0016, an application by Belden Farms, 5561 Sonoma Mtn. Rd., for a Use Permit

To the attention of First District Supervisor Susan Gorin, Commissioners on the Board of Zoning Adjustments, and Melinda Grosch, Permit and Resource Management staff:

Some of us have written to you before. To the extent that we are writing again, it is for the purpose of addressing additional information reviewed or received since we last wrote.

We have found the W-Trans traffic study commissioned by the Beldens in support of their application for a Use Permit to be flawed in several respects, beginning with the assertion that the Beldens' proposal will result in little new traffic to a little used road:

1. The W-Trans traffic study focuses only on the 1.5 mile section of Sonoma Mountain Road between Pressley Road and the entrance to Belden Farms, and was limited to addressing "trip generation of the proposed project as well as adequacy of the parking supply."

2. The study notes that Sonoma Mountain Road "in the vicinity of the project site" is "narrow, approximately 20 feet wide, . . . with no center line or edge line stripping." The study fails to note that the road is about at its widest right in front of the project site. The road to the west of the Belden's driveway, down to Pressley, is typically 15-17 feet wide. We frequently observe that when two SUV size vehicles pass each other going in opposite directions, one pulls to the side of the road and stops, or slows to a crawl, leaving perhaps a foot of clearance between the two vehicles as they pass.

3. The W-Trans report does not address the road to the east of the Belden property at all, where the road narrows to as little as 9 feet in width at Cooper's Grove, less than half a mile from the Belden's driveway. Anyone familiar with wine tasting in this area of Sonoma County knows that, other than Matanzas on Bennett Valley Road, the next wineries are all in Kenwood, Glen Ellen and Sonoma. There is as much chance of wine-tasters coming from one direction on Sonoma Mountain Road as the other. The W-Trans report only deals with traffic to the east of the Beldens' driveway in terms of safety for drivers coming from the east with the intention of turning into the property as a destination.

4. The W-Trans report does not anywhere address the condition of Sonoma Mountain Road, and the impact on that condition from the increase in traffic in the Beldens' proposal. Nowhere does it say that Sonoma Mountain Rd. is the second worst road in the county. Nowhere does it say who will be responsible for fixing the road in response to further deterioration as a consequence of additional traffic. Nowhere does it address the cumulative effect of traffic from the new Open Space trailhead approximately half a mile west of the Belden's driveway and that created by Beldens' proposal if granted the Use Permit they seek.

Though Commissioner Cook remarked at the 12/19/2013 hearing that we need not worry about the granting of a Use Permit to the Beldens creating a precedent, because the Board considers the cumulative impact of each new application, the W-Trans traffic study, dated August 19, 2013, on which the Board is relying, nowhere addresses the combined impact of traffic on Sonoma Mountain Rd. resulting from the Beldens' project and the already approved Open Space project.

The W-Trans traffic study estimates 360 week day uses by cars going one way or the other on Sonoma Mountain Rd. over the 1.5 miles between the Belden's driveway and Pressley Rd. The figure drops to 340 uses a day on weekends. The Open Space project estimates a low of 42 uses a day during the week, and 60 a day on the weekend, or an increase in traffic on Sonoma Mountain Rd. of 12-18% a day. The W-Trans traffic study conducted on behalf of the Beldens estimates a daily increase in traffic on Sonoma Mountain of 71 single uses, whether coming to or leaving the Belden property, an increase in traffic of approximately 20% a day. The cumulative impact on Sonoma Mountain Rd. is a daily increase in traffic between the two projects of 32-38%! This increase does not distinguish between automobile and the more damaging construction truck traffic. Nor do these figures reflect the increase in traffic for the 10, 60-200 person special events a year in the Belden proposal, where vehicles carrying 2.5 persons each are estimated to make approximately 180 trips between coming and going for a 200 person event. The cumulative impact on one of the two worst roads in the county cannot by any stretch of imagination be considered "insignificant". The 12-18% increase in traffic to the Open Space trailhead in itself constitutes a significantly increased impact on the condition of Sonoma Mountain Rd.

More personally, in his letter of December 18, 2013 to Supervisor Gorin and the Permit Dept., one of our neighbors reports that he spent a recent Saturday counting 42 cars, 6 light trucks, and 7 groups of cyclists passing his property, across the street from the Beldens, in an hour.

5. With regard to safety, the W-Trans traffic study again only looks at the accident rate between Pressley and the Belden property (1.5 miles). No attention is given to traffic coming from the east of their property. Moreover, the study relies on a survey that was conducted between January, 2006, and December, 2010. **Sonoma Mountain Road was closed to through traffic just east of the Zen Center from December, 2005 through May, 2009, because rains had washed out the road.** All of us who live on Sonoma Mountain Rd. are keenly aware of how much safer we felt walking and driving on our road as a result of the reduced traffic during those years. Furthermore, the fact that it took 3 ½ years to repair the collapsed road says something significant about the likelihood of substantial repairs at any time for Sonoma Mountain Rd.

And how can a report on traffic safety neglect to even mention the impact of alcohol consumption on driving? Google the impact of alcohol consumption on driver safety and extensive research on the impairment of driving skills appears. A typical report identifies affected faculties: Judgment (with as little as .02 alcohol); concentration, coordination, comprehension, visual acuity impaired up to 32%; impaired ability to judge distance; reaction time up to 15 to 25% slower resulting in accidents that would have been avoided without the factor of alcohol. Add alcohol to the character of Sonoma Mountain Rd. - more than a narrow road, it is winding, with blind curves, drop-offs, in terrible condition, with little to no prospects for significant improvement in the foreseeable future - and the question looms: How can a traffic report on a tasting room and winery project ignore these realities? More traffic means more accidents; more alcohol means fewer "near misses" and more accidents. The brief reference to traffic accidents in the W-Trans traffic study reveals an understandable ignorance of the many close brushes that many of us have had with traffic on Sonoma Mountain Rd.

Referring again to our neighbor's letter of December 18th, he suggests that there is a "shameful" concern in the Beldens' documentation only for the safety of those who are visiting Belden Farms - not for those of us who live here, and not for those who regularly use the road for a range of purposes. There is no discussion in the Belden report of how to mitigate the impact on safety for the rest of us posed by production trucks, wedding

parties, retail customers, dining event guests, and wine-tasters driving the full stretch of Sonoma Mountain Rd. to the Beldens' facility - the same road the rest of us travel to access our homes. Without a full investigation of these factors, and absent any mitigation of their impact on neighboring residents, we have to agree with our neighbor's conclusion, that granting the Beldens the Use Permit they seek represents a serious failure in government oversight and protection.

6. Though Sonoma Mountain Rd. is a scenic by-way, the W-Trans report does not at all consider the many bicycle riders and walkers who use the road.

The Bennett Valley Plan, about which Commissioner Fogg asked for more information at the 12/19/2013 hearing, says: "The character of the road system is a vital component of (the) rural character of Bennett Valley" and "Intensity of land use shall reflect the conditions, character and capacity of roads." The Bennett Valley plan also says, "Commercial development is not considered appropriate to the rural character of Bennett Valley." While construction of a winery and tasting room are not considered "commercial development" in an area designated by the county for residential and intensive agricultural purposes, those constructions are nonetheless a "for profit" use that compromises the rural nature of Bennett Valley in ways at odds with the intent of the Bennett Valley plan, creating in effect an "intensity of land use" that is significant in its damage to the "character and capacity of roads" that are "a vital component of (the) rural character of Bennett Valley". The Beldens' proposal is fundamentally at odds with the residential and intensive agricultural designation of Bennett Valley in general, and Sonoma Mountain Rd. in particular. There are currently no active "for profit" operations on Sonoma Mountain Rd. No tasting rooms, no weddings (a non-agricultural activity), no party events. There is no reason to think that the noise created by these various events will not be at odds with the designated residential nature on Sonoma Mountain Rd. The changes proposed for the Zen Center, we have been assured, have to do with bringing buildings up to code, not to changing the events nature of its long-approved operations. A tasting and sales facility such as the Beldens propose would seem to be more logically suited to the downtown area, or one of the many wine tasting corridors that pervade Sonoma County. This opinion is endorsed by Sonoma Mountain residents actively involved in the wine industry for many years.

These matters were not considered in the Beldens' traffic study; and it is our understanding that the since the December 19th hearing there has been no effort made, nor is there any intention of requiring the Dept. of Transportation and Public Works, to make an independent assessment of the impact of additional traffic on the condition and safety of Sonoma Mountain Rd. An assessment that would take into consideration the impact of alcohol use on drivers, the cumulative effect of other projects in the area of the Beldens, the condition of the road, the character of the road and intention of the Bennett Valley Plan. If the Department of Transportation has truly not been asked to do such an assessment, then there is insufficient data on which to grant the Use Permit requested by the Beldens.

One Commissioner noted that the Board strongly relies on experts. Why then is the Board not asking its own experts to assist in gathering information that is vital to a consideration of whether the Beldens should or should not be granted the Use Permit they have applied for?

Commissioner Cook made a comment during the 12/19/2013 hearing to the effect that the Beldens should not suffer because of the condition of the road. That is backwards thinking. This is not about the Beldens. They are nice people with a dream. This is about whether or not they have chosen an appropriate place to realize that dream, and the evidence strongly suggests Sonoma Mountain Rd. is not a suitable place for their dream as it is currently conceived.

This matter deserves to be thoroughly and accurately researched rather than decided on the basis of incomplete and inaccurate information. That has not occurred to this point. We ask that you give this matter the attention it deserves. Thank you.

Some of the Sonoma Mountain Road residents concerned with the problems created in granting the Beldens a Use Permit include:

Don and Donna Parker,
Amy Rodney and Byron LaGoy,
Alexander Nevarez and Michael Guest,
Bill McNearny and Gail Eva Young,
David and Judy Witwicki,
Sandra Macneill and Claire Arnesen,
Nicholas van Krijdt,
Judith Ann Corba,
Bill Washburn,
James and Rebecca Casciani,
Robert and Edie Phillips,
Scott McIntosh,
Toby and Sally Rosenblatt,
Victor and Peggy Colli,
Ken and Karen Adelson

Melinda Grosch

From: joan maroni [jmaroni@att.net]
Sent: January 13, 2014 1:09 PM
To: Melinda Grosch
Subject: first email re Belden Barns Farm was sent before I finished spell check...please delete first email & read this one..thanks

Corrected email.....

Begin forwarded message:

From: joan maroni <jmaroni@att.net>
Subject: re: Belden Barns Winery
Date: January 13, 2014 at 1:06:05 PM PST
To: Melinda.Grosch@sonoma-county.org

Hello,

I am requesting that the matter of Belden Barns Winery be sent back to the Planning Department for further review. I have lived in the Bennett Valley area (off Sonoma Mountain Rd.) since 1972 and am disheartened to see all of the wineries and businesses being approved by Sonoma County Planning Department. This area has a history of wells going dry and adding, yet another water guzzling business in valley is not the way to preserve water during this drought. It is enough that the Zen Center was allowed to have a business in area and now that one business has been approved more want to come. This is not right for sure. There is a reason most of living in this rural area of Sonoma County chose to make our homes here and that is for the beautiful & serene rural landscape...not traffic traveling down (already deteriorated) roads out here. But more than the deterioration of roads is the matter of businesses being allowed to encroach on this rural area.

Thank you for your attention to this matter....
With Regards,
Joan Maroni

Melinda Grosch

From: hilary burton [llano@earthlink.net]
Sent: January 15, 2014 1:58 PM
To: Melinda Grosch
Subject: Belden Barns Winery proposal

Having reviewed the Belden Barns proposal at bennettvalley.org, we would strongly recommend that it be returned to the Planning Department for further study, especially concerning the increased traffic (3 cars per hour as projected by Belden would mean an increase of 75 cars daily during the peak hours of 11-5) and the geological concerns. Having lived on Sonoma Mountain Road for 30+ years, I have seen the effects of ground movement on my house first hand. We had a review done in the 1990's, shortly after the Hidden Acres problems were reported, and the area is far more unstable than suggested in the Belden review. And, as everyone who lives up here agrees, the road is already a disaster - it will take very little to make it completely unusable. Further in depth consideration should be given to this proposal.

Hilary D, Burton, Ph D.
Ernie Haskell, Registered Geologist, State of California
5700 Sonoma Mountain Road
Santa Rosa, CA 95404

Melinda Grosch

From: Mary Dowdall [marydowdallsmail@yahoo.com]
Sent: January 18, 2014 4:32 PM
To: Melinda Grosch
Subject: Belden Barns Winery (WHY?)

Dear Melinda,

I was suprized to find out that The Planning Department is even considering approving this project. Someone has not done their homework. Have you ever driven Sonoma Mountain Road? At one point it is a one-lane road for a car only! Not appropriate at all for any "commercial business" traffic. To quote the Belden's words "we are putting substantial mental and financial resources, not to mention dreams into this project."

Why would they do that knowing that Bennett Valley is a residential community. I am a second generation resident that has lived in Bennett Valley for forty years. What about OUR mental and financial resources that we have put into preserving this community. What about OUR dreams of preserving a non-commercial, rural area.

I am shocked that the Planning Department would even consider granting a zoning permit to the Beldens for a commercial project. Truly,how does having a winery, creamery, and hospitality facility help the residents of Bennett Valley? These roads are narrow, crumbling, windy and have no shoulder. They are not appropriate for this!!!

If the Beldens have so much mental and financial resources, they can use them to improve the roads that they will be burdening with a commercial business! Everyone else has had to "pay-to-play".

True Regards,

Mary Dowdall
6573 Birch Drive
Santa Rosa, CA (Bennett Valley)

Resolution Number

County of Sonoma
Santa Rosa, California

March 13, 2014
PLP12-0016 Melinda Grosch

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
NEGATIVE DECLARATION AND GRANTING A USE PERMIT TO
NATHAN BELDEN, FOR PROPERTY LOCATED AT 5561
SONOMA MOUNTAIN ROAD, SANTA ROSA; APN 049-030-010.

WHEREAS, the applicant, Nathan Belden, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a new phased agricultural processing facility with a maximum annual production of 10,000 cases of wine and 10,000 pounds of cheese, retail sales and tasting by appointment only, and 10 Agricultural Promotional events per year, located at 5561 Sonoma Mountain Road, Santa Rosa; APN 049-030-010; Zoned LIA (Land Intensive Agriculture) B6-40 acre density/40 minimum parcel size; Supervisorial District No 1; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on December 19, 2013, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Board of Zoning Adjustments continued the public hearing to a date and time uncertain; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held the continued public hearing on March 13, 2014, at which time all interested persons were given an opportunity to be heard.

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 Policies including, Objective AR 5.1; facilitate County agricultural production by allowing agricultural processing facilities and uses in all Agricultural Land Use categories. 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 Land Intensive Agriculture designation. The project is consistent with 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. The tasting room, agricultural promotional events, and industry-wide events would promote the winery and the wine, cheese, and farm products produced on the site and help to increase membership of the winery's wine club thereby increasing direct marketing and sales of the wine, cheese, and other farm products produced on site, all consistent with policy AR-6d.

2. The proposed project is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows processing of agricultural products of a type grown or produced in the immediate area, if a Use Permit is obtained. The Use Permit would be phased with Phase 1 to occur 1 to 2 years from approval and Phase II to occur 3 to 4 years from approval. The project site is 55 +/- acres and contains 25 acres of existing vineyards. Tasting rooms and agricultural promotional events are permitted separately from wineries under the Zoning Ordinance, subject to a Use Permit approval. The project is in compliance with the setback, lot coverage and parking requirements of the LIA zoning district.
3. 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, because mitigation measures have been incorporated into the project as Conditions of Approval. These mitigation measures 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.
4. 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:
 - a. The proposed agricultural processing facility would process grapes grown on site or locally grown and cow and goat milk from cows and goats raised on-site or locally. The conditions of approval imposed herein limit the maximum annual production capacity of the proposed agricultural processing facility to 10,000 cases of wine and 10,000 pounds of cheese annually; private and public tasting rooms to include retail sales and 10 agricultural promotional events per year as follows:

Number of Event Days/Year	Event	Time of Year	Attendees
2	Wine Club Member's Events	Jan. – Dec.	60
2	Distributors' Tasting & Dinner Events	Jan. – Dec.	60
1	Chef Tastings & Dinner Event	Jan. – Dec.	60
1	Wine Club Member's Pick-Up Event	Mar. – Oct.	100
1	Harvest Party	Mar. – Oct.	100
1	Wine & Farm Product Marketing Event	Mar. – Oct.	100
1	Wedding	Mar. – Oct.	200
1	Wine & Farm Product Marketing Event	Mar. – Oct.	200

No concerts, festivals, or use of amplified sound outdoors are permitted with this Use Permit. The project is limited to the following hours of operation: winery processing/administrative functions are seven days a week 7:00 a.m. to 6:00 p.m. during non-harvest times; 6:00 a.m. to 10:00 p.m. during harvest or as necessary due to weather conditions. Tasting room hours are by appointment only between 11:00 a.m. to 5:00 p.m., seven days a week. Agricultural Promotional events must end by 9:30 p.m. with all clean up completed by 10:00 p.m.

- b. The proposed project is located in a (SR) Scenic Resource Combining District indicating that it is within the Bennett Valley Visual Corridor which covers most of the parcel with the exception of the southeasterly portion. The Bennett Valley Area Plan

prohibits new development within the Visual Corridor with some exceptions. These would allow new structures to be located within the corridor if there are physical constraints to development outside the corridor, the structures can be adequately screened and that strict adherence to the prohibition would make the property undevelopable. The conditions of approval imposed herein establish design review and landscaping requirements for the Proposed Winery and the Proposed Tasting Room. On November 7, 2012, the Design Review Committee (DRC) reviewed the proposed project for compliance with the applicable Scenic Resources and Bennett Valley Design Guidelines. The DRC found the proposed project in compliance with the Scenic Landscape Zoning and General Plan Policies, and agreed that the project location meets the exemption criteria in the Bennett Valley Design Guidelines. The conditions of approval imposed herein require the final landscape plan to include additional landscaping, particularly shrubs and trees, along Sonoma Mountain Road near the entrance gate to ensure that the new building is adequately screened and careful selection of materials and colors of the new buildings to match the existing historic farm complex. The applicant shall comply with the recommendations made by the Design Review Committee as listed on the DRC Action Sheet, dated, November 7, 2012; and any subsequent DRC recommendations. Final design review by the Design Review Committee is required to ensure exterior lighting, colors, and landscaping are adequate prior to issuance of any building permit for the new agricultural processing buildings. The new buildings will be built in compliance with the California (non-residential) Green Building (CALGreen) Standards Code and include voluntary requirements which include exceeding Title 24 energy efficiency requirements.

- c. The proposed project and the site remain in conformance with the existing Prime (Type I) Williamson Act contract. The farm building complex and where events will be held will not exceed five acres (the less of the two thresholds) for the 55 +/- acres. In addition, the events will not last longer than two consecutive days and no overnight accommodations will be provided. The events would take place in the tasting room, winery building, or dairy building therefore, no permanent structure dedicated solely for events will be constructed or used. No changes are required for the existing Williamson Act contract.
- d. The Architectural and Historical evaluation by Tom Origer & Associates determined that none of the buildings in the farm complex appear eligible for inclusion on the California Register due to the extensive remodeling over the years. The Cultural Resource Survey determined that the project site did not contain any archaeological resources. However, the conditions of approval imposed herein require that if during grading or earthmoving activities archaeological resources are discovered, 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.
- e. The Traffic Study prepared by W-Trans concluded that the project will not result in an impact to the level of service on Sonoma Mountain Road. However, the site distances from the project driveway were found to be inadequate. In order to bring site distances into compliance with the standards a condition requiring brush clearing along the shoulder of Sonoma Mountain Road has been included in the project
- f. The Traffic Study prepared by W-Trans also concluded that the on-site circulation was not wide enough to accommodate large trucks. A condition of approval requiring onsite driveways and roadways to be widened to accommodate large

trucks and to meet Fire Safe Standards has been added to the Conditions of Approval.

- g. The Biological Assessment completed by Kjeldsen Biological Consulting determined the proposed project: will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, will not cause a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means, will not 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 because the project site does not contain any unique habitat, or unique plant or animal populations, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances because the project footprint is within a developed landscape and only one small coastal live oak will be removed. No other trees will be impacted by the proposed project. A condition of approval requires additional protection of the drainage on the easterly side of the property by establishing a minimum setback. Although no owls or bats were found using the old barn during the survey a condition of approval requires an additional survey immediately preceding any work on the old barn.
- h. The conditions of approval imposed herein require that all winery and domestic wastewater be collected and diverted to an on-site sewage disposal system approved by the Well and Septic Division of Permit and Resource Management Department and the North Coast Regional Water Quality Control Board. The project engineer, SMA, determined that the project site can support the proposed new wastewater management system described in their report and the system will be designed to adequately treat and dispose of the projected sanitary wastewater (SW) from the laboratory and restroom facilities, and the process wastewater (PW) consists of winery wastewater generated from producing wine on site. The proposed SW wastewater management system will utilize the existing SW septic tank and pressure distribution (PD) leachfield system currently used for the residence. Additional septic tanks and sump will be installed at the Phase I and Phase II winery buildings.
- i. The conditions of approval imposed herein establish groundwater monitoring requirements for the Project Site. This requirement will ensure that the proposed project complies with General Plan Policy WR-2d. The proposed project is located within a "marginal" groundwater area (Zone 3 classification). A well with a 50-foot concrete seal will serve the domestic use and landscape irrigation. Fire protection system water will be stored in a dedicated water tank. The project engineer, SMA, concluded that these systems will be sufficient to satisfy process, domestic, landscape irrigation and fire protection water requirements at the proposed ultimate level of production. This conclusion was accepted by Emergency Services and the Project Review Health Specialist.
- j. The conditions of approval imposed herein require that the applicant submit a water conservation plan complying with all County requirements to Permit and Resource Management Department for review and approval. This requirement will ensure that the proposed project complies with the County's water conservation standards.
- k. The conditions of approval imposed herein specify that grape pomace and other agricultural waste shall be disced into the vineyard soil as a soil conditioner and

supplemental nutrient source or removed from the site. This requirement will ensure that adjacent residences are not affected by odors caused by grape pomace and other processing and residual odor associated with the grape crush.

- l. The conditions of approval imposed herein require that the applicant control dust and debris during all construction phases using specified measures consistent with guidance from the Bay Area Air Quality Management District.
- m. The conditions of approval imposed herein require that all new construction be designed to address the geology of the site and avoid the historic landslide areas. Plans will be designed by an engineer and reviewed by a geologist.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the 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 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:

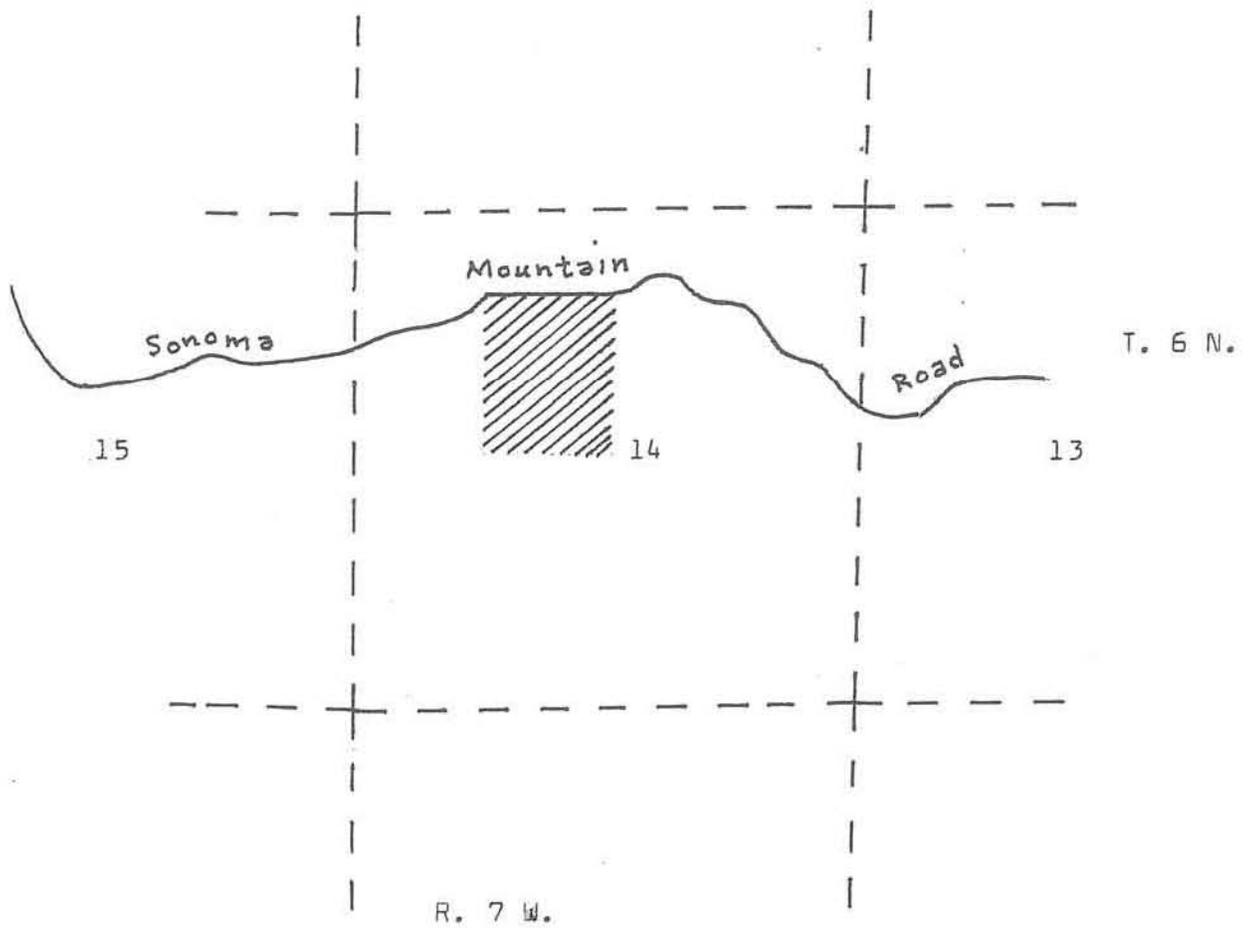
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

GEOLOGY
&
GROUND WATER POTENTIAL
BELDEN PROPERTY
5560 Sonoma Mountain Road
Santa Rosa, California



E. H. Boudreau
Registered Geologist #3000
1209 Beattie Lane
Sebastopol, CA 95472
August 2013

INTRODUCTION

The 55-acre Belden property is located about 5 miles southeast of Santa Rosa on the south side of Sonoma Mountain Road in the northwest quarter of section 14, T. 6 N., R. 7 W., MDB&M. There are now 20 acres of vines and 2 homes on the property, along with a very good well for the homes and a reservoir for irrigation. Plans are to erect a winery that will produce 10,000 cases of wine per year; in addition to the wine 10,000 pounds of cheese and a quantity of vegetables, eggs and fruits will be produced. The Sonoma County Permit & Resource Management Department wants to know if the property can produce sufficient water for the planned operations, and how wells on neighboring properties might be affected by Belden's increase of water use. I am the geologist who has been hired to answer PRMD' questions, and this report contains my observations on the geology, ground water and wells, along with my conclusions.

GENERAL GEOLOGY

The property is situated in the heart of the Sonoma Mountains, with property elevations ranging between about 900 to 1080 feet above sea level. Soil cover and landslides mask most of the bedrock and its details from view, but there are enough outcrops and drillers' logs to give a rough picture of the geologic situation. Some information on the surface geology of the region is shown on maps included with the California Division of Mines & Geology's Special Report 120, on a scale of one mile to the inch.

Figure 1 in this report shows the property boundaries, topography, and the sites of wells and dry holes, along with the location of the geologic cross section that cuts through it in a north 28 degrees east direction that is Figure 2. Figure 2 shows the possible relationships of the rocks at depth, as projected from available information.

There are 4 geologic units underlying the property, and they vary with respect to age, origin, thickness and lateral extent, structure, and water-bearing characteristics. From youngest to oldest they are landslides, the Glen Ellen Formation, the Sonoma Volcanics, and the Franciscan Formation.

Landslides

Landslides are masses of loose soil and portions of bedrock that have moved down-slope under the influence of gravity.

Glen Ellen Formation

The Glen Ellen is made up of continental sediments, mostly clay. There are some beds of sand. Maximum thickness about 400 feet.

Sonoma Volcanics

Underlying the Glen Ellen, and outcropping in the southwest corner of the property, with a great area outcropping to the south of the property, is the Mesozoic-age group of lavas and beds of tuff (volcanic ash) of the Sonoma Volcanics. This unit underlies much of eastern Sonoma and western Napa counties. It formed on an old landsurface from about 3 to 10 million years ago, and it could be over 1,000 feet thick. In between volcanic eruptions some beds of sediments were deposited.

Structure

During their long histories the rocks have been strongly deformed and broken during episodes of folding and faulting caused by stresses in Earth's crust. These actions, along with the non-uniform character of the rocks, have resulted in such a complex arrangement of the rocks that it is impossible to make exact predictions of the conditions at depth.

GROUND WATER & WELLS

All ground water in the area is derived from local rainfall that has percolated into the ground, and it exists in small pore spaces and small, open fractures in the zone of water-saturated rock below the water table. Depth to the water table varies with local geologic, topographic and hydrologic conditions. (In the Belden well I measured it at 75 feet.) Movement of the water is from high areas down to lower ones, with the levels being highest in the spring and lowest in the fall.

Belden Well

The Belden well was drilled by a previous owner after he had 3 dry holes drilled, whose depths were about 100 feet. Figure 3 is a diagram of the well, using information from the driller's log. It was drilled with air-rotary equipment to 715 feet and cased to 670. A blow test showed it to produce 500 gpm. Static level was at 120 feet when it was drilled in December 2001, while it was at 75 feet in August 2013. From 410 to 715 is in the Sonoma Volcanics, mostly lava, which was noted as "fractured" from 600 to 672.

Neighbors' Wells

There are 3 property owners to the north of Belden, across Sonoma Mountain Road. I sent each of them a questionnaire about their wells and

water useage, along with a stamped, self-addressed envelope. Only one, Raghu, replied. Also, I sent their addresses and AP numbers to the California Department of Water Resources, along with a signed PRMD form authorizing me to request drillers' logs of wells and dry holes on their properties. DWR sent me one driller's log, for the Cutler property. PRMD wants well information on neighbors' properties out to 300 feet from Belden.

Most of Raghu's answers are illegible. His present well gives 52 gpm, and 2 of his wells have gone dry since 2000. The water is high in iron, which probably contributed to plugging of the wells. No logs.

Figure 4 is a diagram of the Cutler well. It was drilled with air-rotary equipment in June 1980 to 270 feet, and cased to that depth. It is all in the Glen Ellen. Except for 30 feet of sand, the rock was clay. Static was at 65 feet, and it pumped 13 gpm for 4 hours with the pumping level at 150 feet.

Ground Water Principles

A well is successful when it penetrates permeable rock below the water table and usable amounts of water flow through the rock and into the well. The yield of the well depends on the amount of permeable rock present and its degree of permeability. If permeable rock is present, then the methods used in drilling, equipping, and developing the well often have a strong influence on its maximum yield, its operating characteristics, and its useful lifespan.

Permeability is a measure of the ease with which water moves through rock, and it is dependent on the amount and size of the pore spaces, or other openings, in the rock, and on how interconnected they are. The amount of water that a rock contains may have no bearing at all on how much it will yield, as a damp clay or shale can be more than 20% water by weight and still yield almost none of it to a well because the water is held in the rock by capillary forces. Clean sand and gravel have good permeability because of the great amount of pore space between the grains and the relatively large size of the pores.

As many formations are so highly consolidated (a result of original composition, cementation, and/or compaction), they have very little primary, or intergranular, porosity and permeability such as occur in loose sand and gravel. Successful wells in these formations usually have penetrated zones in the harder and more brittle types of rock (such as sandstone, chert, lava, some tuffs, granitics, and some metamorphics) in which faulting and/or fracturing have created some secondary porosity and permeability in the form of small, open fractures.

Usually, shale, serpentine, and clayey tuff do not contain open fractures because their softer and semi-plastic natures cause the breaks present in them to be squeezed shut by the pressure of the overlying rock; so, these rocks yield little or no water to wells.

There is no way outside of drilling to locate the exact positions of water-bearing fractures and to measure their yields; as the fracture pattern can be very erratic. The yield of a well in consolidated rock depends on the number, width, and extent of the fractures penetrated, and a dry hole will result if there are no open fractures. Many wells in such hard rock yield only a few gallons per minute, but there are some that produce hundreds.

Initial yields will decrease with sustained pumping if the permeable rock is only a small mass surrounded by impermeable rock (such as clay or shale) that blocks recharge of the pore spaces or fractures. At most, fractures make up only a few percent of the total volume of the rock, but that can be a large amount.

When exploring in essentially massive rock for small water-bearing fractures, a depth of about 300 feet is considered to be the point of diminishing returns for a domestic-type well. This is because the increasing pressure tends to seal off deep fractures.

It is impossible in advance of drilling to predict exactly how much usable water will be found beneath the surface, although with enough of the right information on the geologic conditions some rather accurate estimates can be made. As a great many wells have been drilled in the different formations in California, the general ranges in their water-bearing potential are known.

With favorable geology being what governs the availability of water in the ground, it follows that the most practical exploration technique that can be used in searching for usable amounts of it is to try to drill into the most potentially permeable rock available, and to avoid drilling in obviously impermeable rock. In complex situations, such as exist in many of the formations (either because of the way they were formed of mixtures of impermeable and permeable or potentially permeable rock, or because of intricate structure caused by folding and/or faulting), deciding to drill involves taking more or less of a risk; so, the new information being developed as the drilling proceeds must be studied and interpreted right along to see if further drilling is warranted.

If the rock is strong enough to stand in an open hole, then the air-rotary (using compressed air to remove the rock chips) is to be preferred over the mud-rotary (circulating a stream of water to which clay has been added) method

of drilling. With air, the locations, yields, and quality of the water-bearing zones can be known. Also, there is no risk of plugging the pore spaces or fractures with drilling mud and thus sealing off part of the water.

If mud must be used because of caving conditions in the hole, then it is best to use a self-destructing chemical mud rather than the commonly used bentonite clay. Before the well is cased, geophysical logs can be run to identify the permeable zones (gamma-ray or resistivity logs). A careful record should be kept of the rocktypes and their locations in the well, as with signs of water, so that the well can be properly designed. Periodic bail-testing of the well will help to identify permeable zones and their yields if mud is used to drill with.

Drilling mud should be flushed out with clean water before gravel packing, and development work should continue until the yield ceases to increase.

For maximum efficiency in sand and gravel, well screen should be used instead of perforated casing. Screen provides more open area, and the slot openings can be matched to the size of the sand or gravel. Also, it allows for a quicker and more thorough job of development.

Belden Water Use

Water for the vineyard of 20 acres having 20,000 vines using one gallon of water per day for 150 days in the year comes to 3,000,000 gallons per year, or 9.2 acre-feet. All of this water is surface water from the pond on the property.

Three people live in the newest home, which has no landscaping. Average water use per person in Sonoma County is 150 gallons per day, and so this is a ground water use of 0.5 acre-foot per year of ground water.

Neighbors' Water Use

For the 3 neighbors, 9 people could use 1.5 acre-feet of ground water per year for household purposes, although Raghu says he uses his well only for irrigation, but gave no figure for that.

Belden Proposed Water Use

Belden projects his peak yearly water use (domestic sanitary and process waste water flows) to be about 1.5 acre-feet per year, which will be gotten from the well.

Neighbors' Proposed Water Use

The neighbors did not supply any information.

Ground Water In Storage

Rainfall in the study area is about 2.5 acre-feet per year, or 138 acre-feet for the Belden property. If only 10% of this were available for ground water recharge this would be 14 acre-feet, 7 times highest use.

The 37 feet of sand and pumice in the Glen Ellen could be 20% water, for 385 acre-feet under the 55 acres. For the 225 feet of fractured lava with 5% water in storage, that comes to 260 acre-feet. Total water in storage to the depth of the Belden well about 645 acre-feet.

Inflow from the great area of Sonoma Volcanics to the south, and along Matanzas Creek, could amount to much more.

During the 1976-77 drought all the towns on surface water had to go on water rationing, while all the towns on ground water had no rationing.

SUMMARY & CONCLUSIONS

The Belden property is underlain by aquifers in the Glen Ellen Formation and the Sonoma Volcanics that might hold about 645 acre-feet of water. More water could probably be developed by drilling deeper in the Sonoma Volcanics. The water level in the Belden well has not dropped since it was drilled in 2001. The proposed increase in ground water is a mere 1.5 acre-feet. I do not see any problem with ground water availability related to the wine and cheese making in the future, for both Belden and his neighbors.

E. H. Boudreau
Registered Geologist
#3000

March 10, 2014

To: Melinda Grosch, Sonoma County PRMD and
Sonoma County Board of Zoning Adjustments Commissioners

RE: PLP12-0016

Dear Melinda and Commissioners,

I am concerned that this requested project is much too much for the isolated area in which it is proposed and is potentially precedent setting. This project does not appear to meet the letter or intent of the Bennett Valley Area Plan. The proposed size and usage and the attendant impacts are detrimental to the rural expectations of area residents. The Bennett Valley Area Plan, which is the governing document for this area, calls for retention and preservation of the rural character and it reflects the environmental and economic constraints, suitabilities and sensitivities of the area. Our Scenic Corridor was/is parcel-specific, unlike the General Plan's.

This parcel has been, over the years, maintained in agriculture that has blended harmoniously with the neighboring residents. This proposal seems to be much more of a commercial venture

The increased traffic this project would bring has been raised as a grave concern. I concur. However, given that **the traffic study which was submitted for this project is incredibly flawed**, I think that it is inadmissible and needs to be completely redone. The basic premise on which the study was based is grossly wrong.

First of all, the study poses that the prima facie speed limit is 55 mph because there is no posted speed limit. However, within the staff packet is a picture clearly showing that the posted speed limit is 20 mph. Because of this error, the study was based upon 40 mph for analysis purposes--a completely erroneous assumption, inaccurate at best. Additionally, CT-4e states that the AASHTO document (here used) is to be used as a guide BUT "where these guidelines conflict with adopted design guidelines for a local community . . . or with rural or community character, utilize the flexibility provisions in the AASHTO guidelines to avoid these conflicts . . ." (The suggestion for lengthy clearance alongside SMR would be contrary to the Plan's requirement for preservation of the scenic quality of the roadways and apparently AASHTO's.)

Second, the report says that Sonoma Mountain Road is classified as a Rural Minor Collector in the Sonoma County General Plan 2020. This is completely INCORRECT. Sonoma Mountain Road, Pressley Road and Enterprise Road have always been classified as rural byways (per the Bennett Valley Plan and under the new terminology, local rural roads) and do not show up on the county transportation maps as collectors. Only two (2) roads within Bennett Valley are classified as Collectors and they are Bennett Valley Road and Grange/Crane Canyon Roads. (In the Bennett Valley Plan, Petaluma Hill Road was also classified as a Collector.)

Third, the study was so narrowly focused that it did not take into consideration any impacts on the roads that provide ingress and egress to this very isolated location--e.g., Pressley Road, Upper Sonoma Mountain Road, Enterprise Road and Lower Sonoma Mountain Road. GPS mapping sends traffic from Napa and the far East Bay through Sonoma and onto Upper Sonoma Mountain Road to this site. From the south, including San Francisco, Oakland and San Jose the route is via Pressley Road. From the north or west, traffic is sent via Lower Sonoma Mountain Rd. The narrow focus of the traffic

study conveniently avoids the significant negative impact on neighboring roads leading to the site. This very limited study skews the collision/accident history too, making it look innocuous and is nowhere reflective of the impact even a few additional vehicles (let alone all the ones proposed) would have on the quality of life, the roadways themselves and the safety of the residents (not to mention wildlife). Additionally, it would seem that obtaining accident information from the Highway Patrol would provide a better reflection of information on local roads rather than referencing Caltrans' Collision Data on State Highways. Therefore, the traffic study is so flawed, inaccurate and so limited in scope that it should not be used to assess traffic impacts. All roadways leading to the project site should have been studied and included in the impact report. And the information on which these analyses were based should have been accurate. *[see next page]

In addition to these egregious errors, there appears to be no reflection of the trucking into and out of the area due to the proposed cheese making or farm produce "sale." In Mr. Boudreau's letter, he notes that most milk will be brought in (and since there are no longer any dairies close by, one would have to assume that the supply would be coming from a distance.) Also, as Mr. Boudreau noted, there is a very limited area for cows or sheep grazing (2 and 10 respectively) so it's obvious that the milk will primarily come from off-site. Truck traffic is very hard on roads that were never designed to handle truck traffic and because of the extremely curvy and steep inclines, the noise level can easily exceed that which is expected in a rural environment. **[see next page]

I respectfully remind you that the Bennett Valley Plan states that "the character of the road system is a vital component of the rural character of Bennett Valley. The character of the existing public road system shall be retained . . ." "Intensity of land use shall reflect the conditions, character and capacity of roads." "The scenic quality of all transportation routes within Bennett Valley is a vital component of the rural character, and shall be protected."

The General Plan refers numerous times to the diverse rural character of So. Co, the unique qualities of various areas and the requirement that where there are Area Plans or Local Area Development Guidelines, those guidelines take precedence over countywide rural character design guidelines. Also in cases of conflict, the more restrictive policy or standard should apply. (e.g. General Plan 2.6, GP Policy LU-1a, CT-4i.) Rural character compatibility is also brought up in Ag Element 2.5.

Additionally, other areas within the General Plan could use stronger emphasis. Policy OSRC-6a includes "Paved areas are minimized and allow for informal parking areas. . . Exterior lighting and signage is minimized." While this general topic is covered in the report, the size of the area included here raises concern that even minimized could be intrusive and problematic. Parking: The large amount of surface that is proposed to be given over to new and additional roadways as well as parking creates a concern over the impact on the recharge capability of the land in an already identified marginal water availability area. At minimum, areas for general, event or owner/employee parking should be either gravel OR a pervious blacktop type surface so that the water table recharge can continue without too much diminishment. (Chip seal is impervious) Also the suggested widening of the interior roadways seems to be unwarranted even according to the text of the traffic report. Solar while great, should be located on rooftops so as not to impede the recharge capability of the land.

Percolation: In talking to a previous owner, he noted that they had had great difficulty getting perc for even one house, let alone a larger one and even more structures. Why was the difficulty of percolation not identified – the usage proposed is tremendously greater than what has historically been identified on this site? Anything that cannot be taken care of on-site would have to be trucked out, adding even further to the traffic problem

*Per AASHTO Road classifications. Definitions: Local Roads serve individual homes, farms and businesses and feed into the collector network. . . . In all classifications road width is flexible, and can be modified to suit local conditions, where necessary.” Rural Local Road: For roads with design speeds of less than 40 mph and volumes under 400 vehicles per day, the standard road width is 22 ft., with the exception of steep or hilly terrain, where the width may be reduced. Policy CT-4j – “. . .Local Roads as routes that are intended to provide access to property and to carry LOCAL traffic to Collector Roads. . . .“

Traffic study – breakdown of trips does not appear to include the number of truck trips involved in bringing in milk for cheese production, silage for animals, or truck traffic necessary to remove any sewage/waste that cannot be accommodated on-site. Nor does it **reasonably recognize the number of auto trips for public tastings.

Objective AR-5.3: Ensure that agriculture-related support uses allowed on agricultural lands are only allowed when demonstrated **to be necessary for and proportional to** agricultural production on site or in the local area.” (Even when recently planted grapes mature, total amount of cases from onsite wouldn’t even be half the total capacity of requested winery size. In addition the amount of cheese production would be mostly produced from material brought in from off-site) This doesn’t appear to meet the above Objective.

As for the staff report/attachments, I have great concern that the Bennett Valley Area Plan was seldom referenced in the documents when it is the definitive document on this case. Examples are statements within the staff report as well as a letter from Mr. Martin that incorrectly state what the Bennett Valley Plan calls for or allows. For instance, Staff report pg. 7. “ The applicant has provided reasons that he feels the proposal is consistent with the exceptions allowed in the Bennett Valley Design Guidelines for the placement of structures in the Visual Corridor. The primary reason is the area outside the Visual Corridor designation is geologically unstable due to an historic landslide. “ This is **not** an exception given in the BV Design Guidelines. (And interestingly enough, a prior long time owner wasn’t aware of the landslide.) Nor does the staff report provide rationale that “the proposed development is consistent with the standard Scenic Corridor setback (which should not apply here) . . . and is consistent with . . . other setback criteria established by the Land Intensive Agriculture zoning designation.” This seems irrelevant since it is incompatible with the setback criteria in the Bennett Valley Area Plan and its intent.

As for Mr. Martin’s rationale, it appears that he does not understand the Bennett Valley Plan or its intent and usage over the many years it has been in place.

1. While it is admirable that a proposed new structure (agricultural and very large) would, in his opinion, not be seen from the roadway or neighboring properties, he is missing the most important part which relates to the requirement of building outside the visual/scenic corridor.

2. The cluster development clause was related to future parcel development and primarily aimed at the implementation of the PA table.

3. This has nothing to do with justifying building within the designated scenic/visual corridor.

4. Rural character is much more than agricultural buildings.

5. The “open vista” was conceivably not there at the time of the Plan’s adoption. An open vista could be created by tree removal . . . and as such has no bearing on the sanctity of the scenic/visual corridor designation. One needs to go by the wording of the Plan regarding the Scenic/Visual Corridor and what is or is not permitted in the mapped area..

6. Again, regardless of the proposal and whether a new structure could be or not be seen from a public roadway now, the proposal is well within the adopted, designated Scenic/Visual Corridor - and, in fact, it is much closer to the roadway (consequently even more within the visual corridor) than the existing structures which are there because were grandfathered in as pre-existing (to the Plan) structures.

To be exact - The Bennett Valley Plan reads: . . . minimum setbacks shall be consistent with the So. Co. Subdivision Ordinance, the general Plan or the Bennett Valley Plan, whichever is more restrictive. “No NEW structures shall be sited within visual corridors, riparian corridors or unique biotic resource areas as designated on the Critical Open Space Map of the Bennett Valley Plan, except in the visual corridor where the ENTIRE parcel is included within such designation or except in the visual corridor where said structure is a fence or agricultural appurtenance. Where the entire parcel is included in a visual corridor area, or where said structure is an agricultural appurtenance greater than 200 sq. ft., the BV/NSMDRCommittee shall condition the approval of such structure(s) to mitigate adverse effects to the open space resource”

In this case, it would appear that the winery building would qualify for an exemption AS LONG AS adverse effects to the open space were mitigated. HISTORICALLY, such mitigations meant locating the structures at the back of the parcels –an area farthest away from the road. A very good historical example would be along the straight stretch of Bennett Valley Road between west of Grange and Sonoma Mountain Road. (In Mr. Belden’s case, he’s moving further INTO the scenic/visual corridor which would be contrary to the intent of the BV Plan.)

As a point of clarification, I spoke with a very senior planner a number of years ago about the parameters of building outside the specified Scenic/Visual corridor to ascertain how it would be applied. I was told that if the parcel was totally within the Scenic/Visual Corridor and undeveloped, the law says that you cannot make a parcel unbuildable. However, once a single-family dwelling was allowed, no further buildings need be permitted, regardless of how many buildings one would want to put on a parcel. If there was any part of the parcel NOT in the scenic/visual corridor, the only building location would be OUTSIDE the scenic/visual corridor as mapped on the Bennett Valley Plan maps.

Note: a number of years ago the Board of Supervisors heard an appeal of a county decision denying building within the visual corridor (a non-agricultural structure) and they also denied the appeal. The statement was made by the then Supervisor that the Plan was very clear that there would be no building within the designated corridor. (This parcel was not completely within the scenic visual corridor.)

Some additional issues:

Size of structures: The increase in the amount of square footage being proposed is quite sizeable. Where before we had ample room for the owner and family plus workers, we are now being confronted with an operation that will increase by **12,175 sf of structures**, not including added ag. housing. Where before we had a small amount of parking (hence little additional impervious surfaces) we now have an additional large driveway with another large turn around as well as many more parking spaces for all the hired help and visitors PLUS a huge parking lot for special events.

Wildlife: Attention needs to be given to additional wildlife protection and especially to the large avians of which Dave Steiner used to speak – the golden eagles that inhabited this area.

Retail Sales and Special Events: With all the items that the proposal is “covering” it sounds more like a commercial venture under the cloak of agriculture . . . wine, cheese, fruit, vegetables, eggs, etc. – sounds almost like a mini-mart. Retail Sales and Special Events are a slippery slope and tend to be the most problematic when it comes to traffic concerns and abuses.

Color of buildings: They need to meet the requirements of blending into the natural surroundings to the maximum extent, not matching the existing buildings.

Smoking: Because of the high fire danger in the area, this facility should be a “no smoking” facility – not a place with ash receptacles outside.

Appointment only?: What would be the restrictions ? Number of persons and cars per appointment? Total number of people and cars per hour or day?

Text of the Original Bennett Valley Plan: Due to the reduced text and thus reduced explanations and background info from the original Plan, the opening page of the downsized version specifically states that a copy of the original, complete text will be kept on file at the County and should be used as a reference should any questions arise or clarification be needed.

In conclusion, because this location is geographically isolated, you really can't import extra traffic and not expect to have a significant impact on the rural, scenic, quiet quality of the area. A lot of added traffic, especially truck traffic, is a bane to the way of life in this area. In the past the Steiner Vineyards did not create a good deal of traffic with the only “extra” traffic being during harvest. FYI, there have been for many, many years two (2) other wineries within the Bennett Valley area – Laurel Glen (on upper Sonoma Mtn. Rd. and Coturri (on Enterprise Rd.). Neither of them has had tastings or regular special events. Both are and have been profitable. This proposal, by comparison to them, is like night verses day. It's simply too much for the area to contain and is like trying to fit a square peg into a round hole. The infrastructure is just not here. Nor does the proposal meet with the intent of the Plan that has governed and protected this area for over 30 years. Perhaps in a location which is on a Collector or Arterial Road and in a flat location, this proposal would find acceptance and meet the criteria governing that local area. Here it just does not fit.

Thank You.

Sincerely,

Tamara Boulbee

to maintain acceptable service rations, response times or other performance objectives for any of the public services:				
Comment: Construction of the project would not involve substantial adverse physical impacts associated with provision of government facilities as no new facilities will be required as a result of this project.				
Mitigation: No mitigation measures are required.				
i. Fire protection?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: The County Fire Marshal reviewed the project description and requires that the expansion comply with Fire Safe Standards, including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management, and management of flammable or combustible liquids and gases.				
Mitigation: No mitigation measures are required.				
ii. Police?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: The Sonoma County Sheriff will continue to serve this area. There will be no increased need for police protection resulting from the new winery, tasting room, cheese processing facility, and farmstead.				
Mitigation: No mitigation measures are required.				
iii. Schools, parks, or other public facilities?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: Development fees to offset potential impacts to public services include school and park mitigation fees.				
Mitigation: No mitigation measures are required.				
iv. Parks?	Potentially	Less than	Less than	No impact

	Significant Impact	Significant with Mitigation Incorporation	Significant Impact	
				X
Comment: Development fees to offset potential impacts to public services include school and park mitigation fees.				
Mitigation: No mitigation measures are required.				
v. Other public facilities?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: Development fees to offset potential impacts to public services include school and park mitigation fees.				
Mitigation: No mitigation measures are required.				

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
Comment: The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities.				
Mitigation: No mitigation measures are 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?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
Comment: The project does not include the construction or expansion of recreational facilities.				
Mitigation: No mitigation measures are required.				

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		
<p>Comment: In August 2013 Focused Traffic Study was prepared for the project by Sam Lam and Dalene Whitlock of Whitlock & Weinberger Transportation, Inc. (W-Trans). The Study reached the following conclusions:</p> <ul style="list-style-type: none"> i. The project would generate an average of 71 new daily trip ends over existing levels with 13 trips during the weekday p.m. peak hour and 6 during the weekend midday peak hour. ii. Internal roadways do not meet the minimum Fire Safe Standards for Sonoma County. iii. Sight distances at the project driveway are adequate for outbound right-turn and inbound left-turn movements. iv. Sight distance at the project driveway is inadequate for outbound left-turn movements. v. A westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway. vi. Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway. vii. The driveway entrance and internal roadways configuration will accommodate a heavy-duty 10-wheel bottling line truck. viii. Adequate parking for employees, tasting room visitors, and special events has been included in the design of the project. <p>Sonoma Mountain Road in the vicinity of the project has very low traffic volumes and accident rates are below the state average for this type of roadway. The report recommends two actions to address on-site safety and sight distances from the driveway entrance onto Sonoma Mountain Road. The implementation of these two measures will reduce potential impacts to less than significant.</p>				
<p>Mitigation Measure 16.a.i.: Widen all internal roadways/driveways to a 20-foot cross section or install turnouts every 400-feet or as prescribed by Fire Services to meet the Sonoma County Standard.</p>				
<p>Mitigation Monitoring: Prior to building permit issuance Fire Services shall review the development plans to ensure that on-site access meets the requirements for width or includes the correct number of turnouts.</p>				
<p>Mitigation Measure 16.a.ii.: Obtain a permit from Public Works to trim or remove vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway to achieve at least 445 feet of site distance and on the south side of Sonoma Mountain Road approximately 200 feet west of the driveway to achieve at least 385 feet of site distance to insure adequate sight distance for outbound left-turn movements (the dominant turning movement for outbound vehicles). If vegetation is not permanently removed but is only trimmed then an ongoing maintenance program shall be developed in conjunction with Sonoma County Public Works to ensure that the sight distance is maintained.</p>				

<p>Mitigation Monitoring: Prior to building permit issuance the applicant shall provide documentation that an agreement with Sonoma County Transportation and Public Works for vegetation removal and maintenance of that vegetation has been entered into. The project planner and/or Public Works staff will verify that the work has been completed and results in a minimum sight distance of 445 feet to the east and 385 feet to the west.</p>				
<p>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?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	
<p>Comment: There is no longer a Congestion Management Plan for Sonoma County. However, the General Plan includes a goal of maintaining a Level of Service C for all roadway segments not specifically addressed in the General Plan. Level of Service on this segment of Sonoma Mountain Road is C or better even with the addition of the project traffic.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
<p>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?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
				X
<p>Comment: The project would have no effect on air traffic patterns.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
<p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
		X		
<p>Comment: As discussed in 16.a. above, the sight distance to the east does not meet the minimum sight distance for the type of road and speeds traveled.</p>				
<p>Mitigation Measure: See 16.a.ii. above.</p>				
<p>e) Result in inadequate emergency access?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

<p>Comment: The proposed project will not affect emergency access to the site. On-site roadways and driveways do not meet the County Fire Safe Standards as discussed above in 16.a.</p>				
<p>Mitigation Measure: See 16.a.i. above.</p>				
<p>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?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
			X	
<p>Comment: Sonoma Mountain Road is designated as a future Class III bicycle facility. The <i>2010 Bicycle and Pedestrian Plan</i> provides the following information on Class III Bikeways:</p> <p><i>Class III Bikeways are intended to provide continuity to the County bicycle network. Bike routes are established along through routes not served by Class I or II bikeways or to connect discontinuous segments of Class I or Class II bikeways.</i></p> <p><i>Class III Bikeways are facilities shared with motor vehicles that provide connection to Class I and II bikeways through signage, and design, creating advantages for bicyclists not available on other streets. By law, bicycles are allowed on all roadways in California except on freeways when a suitable alternate route exists. However, Class III bikeways serve to identify roads that are more suitable for bicycles.</i></p> <p>The proposed project should not interfere with the designation of Sonoma Mountain Road as a Class III Bikeway as the modifications to the driveway entrance will require an encroachment permit which will ensure that the roadway is not impacted by the driveway.</p> <p>In addition the <i>2010 Bicycle and Pedestrian Plan</i> requires the installation of bike racks at new commercial sites: The following criteria apply and will become a condition of approval: Commercial and industrial uses over 10,000 gross square feet one bicycle rack space per 15 employees with a minimum of eight bicycle rack spaces per location. Bicycle lockers may be substituted for bicycle rack spaces and should be located near a main entrance with good visibility.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
<p>g) Result in inadequate parking capacity?</p>	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
				X
<p>Comment: The site plan shows up to 96 parking spaces which the consultant states will be adequate for the proposed uses. Additional or overflow parking could be located within the vineyards.</p>				
<p>Mitigation: No mitigation measures are required.</p>				

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
<p>Comment: The project will be served by a private septic system installed under permits from the Permit and Resource Management Department. In addition a standard condition of approval requires that the applicant apply for and receive a Waste Discharge Permit from the North Coast Regional Water Quality Control Board. The permitting process ensures that there will be no impacts from wastewater treatment in the private septic system.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
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
<p>Comment: The site is not served by a public water or wastewater treatment facility.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
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	
<p>Comment: There are no formal storm water drainage facilities in the area as the project is located in an agricultural area with limited impervious surfaces, large parcel sizes with natural vegetation or crops, etc. all of which allow storm water to percolate into the ground or sheet flow into existing natural drainage swales.</p> <p>The project has been reviewed by the Grading and Storm Water Section of the Permit and Resource Management Department. Eleven standard conditions of approval have been applied to the project regarding drainage and runoff these conditions will ensure that there no impacts from storm water runoff. See Section 9 above for an analysis of drainage and runoff.</p>				
<p>Mitigation: No mitigation measures are required.</p>				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact

expanded entitlements needed?				X	
Comment: The site is served by a private well. A hydrologic study was prepared which reviewed groundwater resources for both the site and surrounding properties. It concluded that there would be no impacts. See 9.b above.					
Mitigation: No mitigation measures are 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?	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact	
					X
Comment: The site is served by a private septic system not a public wastewater treatment provider.					
Mitigation: No mitigation measures are required.					
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		
Comment: Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that will result from the proposed project.					
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		
Comment: Sonoma County has access to adequate permitted landfill capacity to serve the proposed project.					
Mitigation: No mitigation measures are required.					

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No impact
			X	

<p>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?</p>				
<p>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)?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant with Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No impact</p>
			<p>X</p>	
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<p>Potentially Significant Impact</p>	<p>Less than Significant with Mitigation Incorporation</p>	<p>Less than Significant Impact</p>	<p>No impact</p>

Sources

1. PRMD staff evaluation based on review of the project site and project description.
2. PRMD staff evaluation of impact based on past experience with construction projects.
3. Sonoma County Important Farmland Map 1996. California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program.
4. Assessor's Parcel Maps
5. BAAQMD CEQA Guidelines; Bay Area Air Quality Management District; April 1999; California Air Resources Board (CARB) <http://www.arb.ca.gov/>
6. California Natural Diversity Database, California Department of Fish & Game.
7. Sonoma County General Plan 2020 (as amended), Sonoma County Board of Supervisors, September 23, 2008.
8. California Environmental Protection Agency - <http://www.calepa.ca.gov/SiteCleanup/corteseList/default.htm>; California Regional Water Quality Control Board - <http://geotracker.swrcb.ca.gov/>; California Dept of Toxic Substances Control http://www.dtsc.ca.gov/database/calsites/cortese_list.cfm, and Integrated Waste Management Board - <http://www.ciwmb.ca.gov/SWIS/Search.asp>
9. Alquist-Priolo Special Studies Zones; State of California; 1983.
10. Flood Insurance Rate Maps, Federal Emergency Management Agency.
11. Special Report 120, California Division of Mines and Geology; 1980.
12. General Plan Consistency Determination, (65402 Review), Sonoma County Permit & Resource Management Department.
13. Standard Specifications, State of California Department of Transportation, available online: <http://www.dot.ca.gov/hq/esc/oe/specs.html>
14. American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, Pruning (ANSI A300 (Part 1)-2008 Pruning), American National Standard Institute (ANSI) and National Arborist Association (NAA), 2008;
15. Best Management Practices: Tree Pruning, International Society of Arboriculture (ISA), 2008.
16. Tree Protection and Replacement Ordinance (Ordinance No. 4014); Sonoma County.
17. Valley Oak Protection Ordinance (Ordinance No. 4991); Sonoma County, December 1996.
18. Heritage or Landmark Tree Ordinance (Ordinance No. 3651); Sonoma County.
19. Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments; May, 1995.
20. Soil Survey of Sonoma County, California, Sonoma County, U.S. Department of Agriculture; 1972.
21. Evaluation of Groundwater Resources, California Department of Water Resources; 1975.
22. Sonoma County Congestion Management Program, Sonoma County Transportation

Authority; December 18, 1995.

23. Sonoma County Aggregate Resources Management Plan and Program EIR, 1994.
24. Sonoma County Bikeways Plan, Sonoma County Permit and Resource Management Department, August 24, 2010.

Planning Application

PJR-001

File#: 1/012-0016

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 Zoning 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/Area Plan Amendment | |
| <input type="checkbox"/> Design Review Admin. | <input type="checkbox"/> Major Subdivision | <input checked="" type="checkbox"/> Use Permit | |

Applicant (Contact Person):

Nathan L. Belden
Name

5561 Sonoma Mountain Road
Mailing Address

Santa Rosa CA 95405
City/Town State/Zip

415-577-8552
Phone

May 23, 2012
Signature Date

Owner, if other than Applicant:

Nathan L. Belden Trust
Name

527 Alvarado Street
Mailing Address

San Francisco CA 94114
City/Town State/Zip

415-577-8552
Phone

May 23, 2012
Signature Date

Other Persons to be Notified: (Specify: Other Owner(s), Agent, Lender, Architect, Engineer, Surveyor)

<u>SMA - Steve Martin, P.E.</u> Name	Name	Name
<u>130 South Main St., Suite 201</u> Mailing Address	Mailing Address	Mailing Address
<u>Sebastopol</u> <u>CA 95472</u> City/Town State/Zip	City/Town State/Zip	City/Town State/Zip
<u>Project Manager / Engineer</u> Title	Title	Title
<u>(707) 824-9730</u> <u>(707) 824-9707</u> Phone Fax	Phone Fax	Phone Fax

Project Information:

5561 Sonoma Mountain Road
Address

Santa Rosa
City/Town

APN 049-030-010
Assessor's Parcel Number(s)

55.0 acres
Acreage

Project Description: New phased winery & farmstead with ultimate 10,000 case wine production, 10,000 lbs cheese production and public tasting, tours and retail sales.

Site Served by Public Water? yes no Site Served by Public Sewer? yes no Number of new lots proposed None

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

Planning Area: 9 Supervisorial District: 1 Current Zoning: LIAB-40/A General Plan Land Use: LIA-40

Specific Plan: Barnett Valley Am. Plan S.P. Land Use: _____ 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, CIVI Penalty Factor _____

Previous Files: 11006-0021 (Design Review), ZPE06-0279 (Coastal Non-Compliance)

Application accepted by Karen Theobald Date 5-21-12

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue ♦ Santa Rosa, CA 95403-2829 ♦ (707) 555-1900 ♦ Fax (707) 555-1103

SR = scenic landscape
AS - Res. I

USE PERMIT – SUPPLEMENTAL APPLICATION INFORMATION

Existing site characteristics:

Existing use of property: Vineyard and residence Acreage: 55.0 acres

Proximity to creeks, waterways, and impoundment areas: 940' +/-

Vegetation on site: Vineyard

General Topography: Varies, sloping (5%-15%)

Surrounding uses to North: vineyards South: open space
East: agriculture West: vineyards

New buildings proposed (size, height, type): Phase I will include reconstruction of the existing 2490 SF residence to tasting, hospitality, commercial kitchen, administrative and residential use (4270 SF w/ 1410 SF porch); conversion of one 480 SF wing of an existing barn to locker/restrooms; and demolition of an existing 1780 SF garage and residence building. Winemaking during Phase I will take place at the existing barn area with offsite barrel storage. Phase II will include a new 8300 SF winery building (7650SF – 1st Floor, 650 SF 2nd Floor) nestled into the topography. The wine facility incorporates a covered grape receiving and crushing area with press, fermentation, barrel storage, case goods/bottling, equipment storage, production restroom, equipment room, office, lab and attached workforce residences (900 SF 2 bedroom unit, 470 SF 1 bedroom unit). The 2nd floor includes a VIP tasting and hospitality area. Phase II will also include a new 1090SF wing to an existing barn.
Number of employees (total): Phase I: 4 full-time employees and 2 part-time during non-harvest and 6 full-time employees during harvest and bottling. Phase II: during non-harvest, 5 full-time and 4 part-time employees, with an increase to 7 full-time employees during the harvest season and bottling.

Operating day: Monday-Sunday Hours of operation: 7:00 am-6:00 pm, non-harvest : 6:00 am- 10:00 pm harvest

Number of vehicles per day: 12

Water source: private wells Sewage disposal: onsite septic tank and underground leachfield systems

Provider, if applicable: N/A Provider, if applicable: N/A

Noise generated: Minimal noise generated from crush equipment and compressors

Grading required: Phase II - Cut Max: 2,000 CY Fill Max: 2,000 CY
Fill Area: 0.25 AC Approx. Total Yds: 4,000 CY
Area of Disturbance: 1.0 AC

Vegetation to be removed: Phase II - pasture

Will proposal require annexation to a district in order to obtain public services?

Yes No

Are there currently any hazardous materials (chemicals, oils, gasoline, etc.) stored, used, or processed on this site?

Yes No

Were there any hazardous materials used, store, or processed on this site?

Yes No

Will the use, storage, or processing of hazardous materials occur on this site in the future if this project is authorized?

Yes No

Additional information: See attached Preliminary Engineering and Planning Data.

Belden Barns Winery & Farmstead

Belden Barns
Proposed New Winery and Farmstead Facilities
5561 Sonoma Mountain Road
Santa Rosa, Sonoma County

Proposal Statement

The proposed Belden Barns Winery and Farmstead involves the development of new winemaking, hospitality and farmstead food production facilities on our 55 acre parcel located at 5561 Sonoma Mountain Road near Santa Rosa, California. The facilities will be owner-operated dedicated primarily to the production of ultra-premium Pinot Noir, Syrah, Sauvignon Blanc and Gruner Veltliner as well as various farmstead products including fresh/preserved vegetables/fruits, eggs, charcuterie and cheeses.

The facilities will be located on our vineyard property known as Steiner Vineyard, which was first planted in 1973 and is a historically important vineyard in the Sonoma Mountain/Bennett Valley AVAs. The vineyard currently has 16.0 acres of producing vines, 4.0 acres of vines under development, irrigation reservoir, pasture, fruit orchard, vegetable plots, barns and residences. It is our desire to have a quiet farmstead operation and winemaking facility. And while an ultimate production of 10,000 cases of wine and 10,000 lbs of cheese is requested, the production at our facilities will begin small and grow to match the success of producing world class wines in conjunction with farmstead products and farmstead themed experiences.

Tastings and tours will be by appointment with retail sales direct to customers. We plan on having agricultural promotional events to introduce potential and current customers to our wines and farmstead products including wine pick-up events, chef dinners, selective county-wide industry events, limited weddings and other agricultural promotional gatherings. The proposed winery will produce wines primarily from our estate vineyard and other local vineyards in the region. The farmstead production will utilize vegetables, fruit, eggs and milk produced sustainably on site and from surrounding producers. For reference, 10,000 pounds of cheese production utilizes the milk production of 10 cows / 50 sheep / 100 goats. The sustainable carrying capacity of our pasture supports fewer animals than our targeted cheese production implies, so we plan to source a portion of milk for cheese production from local producers.

The facility development is planned to be a phased project. Phase I will include reconstruction of the existing 2490 SF residence to tasting, hospitality, commercial kitchen, administrative and residential use (4270 SF w/ 1410 SF porch); conversion of one 480 SF wing of an existing barn to locker/restrooms; and demolition of an existing 1780 SF garage and residence building. Winemaking during Phase I will take place at the existing barn area with offsite barrel storage. Phase II will include a new 8300 SF winery building (7650SF - 1st Floor, 650 SF 2nd Floor) nestled into the topography adjacent to the new hospitality building and demolished garage/residence. The wine facility incorporates a covered grape receiving and crushing area with press, fermentation, barrel storage, case goods/bottling, equipment storage, production restroom, equipment room, office, lab and attached workforce residences (900 SF 2 bedroom unit, 470 SF 1 bedroom unit). The 2nd floor includes a VIP tasting and hospitality area. Phase II will also include a new 1090SF wing to an existing barn. This new construction will include a milking parlor, micro creamery, cheese making room and affinage rooms for cheese and charcuterie aging. Due to tree coverage and use of topography each phase of development will be minimally visible from Sonoma Mountain Road and is located 420± feet from the existing road and 640± feet from the closest neighboring residence. The winery design and layout has been driven by the function and the criteria for gentle handling of fruit, gentle wine processing, minimized power usage and reduced exposure of the structure. All building designs are agrarian in character with the existing residence, barns and surrounding agricultural area.

Related infrastructure includes minor improvements to the existing entrance on Sonoma Mountain Road, process wastewater treatment system, storm water management improvements, fire protection water storage and associated grading and landscape improvements.

Belden Barns Winery & Farmstead

During Phase I, we plan on having 4 full-time employees and 2 part-time employees To support the proposed Phase II winery and farmstead facilities during non-harvest, we anticipate maintaining a staff of 5 full-time and 4 part-time employees, with an increase to 7 full-time employees during the harvest season and bottling. Visitation for both phases will be by appointment and visitors anticipated are to be on the order of 20 for an average day and 60 for a peak day. Operating hours shall be 7 AM to 6 PM Monday through Friday off harvest and 6 AM to 10 PM Monday through Sunday during harvest season.

It is our intention to create a small, quiet farmstead and winery facility that produces outstanding, unique wines and farmstead products from Sonoma County. In turn, we hope to celebrate and support local agriculture and Sonoma County's economy. The new facilities are designed to have minimal impact to the land with use of existing structures, sustainable materials and systems, and an architectural style that blends with the surroundings and existing structures in the area.

SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

September 19, 2012

Sonoma County Permit &
Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Attn: Melinda Grosch

Re: Belden Barns Winery &
Farmstead
PLP12-0016
APN 049-030-010
Project No. 2011014

Dear Melinda

The purpose of this letter is to review items discussed during our project meeting on June 19, 2012 in response to your letter dated June 12, 2012 regarding application incompleteness. In addition, we'll provide written response to items No. 1 through No. 7 per your email of today, 9-19-12, though some of these items were addressed at our meeting referenced above as well as in our preliminary Design Review submittal on August 23, 2012 and our Memorandum dated 9-7-12 regarding the requested narrative for the siting of the winery building within the Bennett Valley Visual Corridor.

1. A revised Site Plan showing all new construction outside the Bennett Valley Visual Corridor is not being provided. We had addressed this with you in our meeting on June 19, 2012, the subsequent design review application and further memorandum dated September 7, 2012, which provided the requested written narrative justifying the siting of the building within the BV Visual Corridor. Please set this project for preliminary Design Review as you recommended and have indicated is a first priority in the processing due to being in the visual corridor.
2. Design Review submittal package with the required items (photo simulations, site plans, building plans & elevations, etc.) and multiple copies was provided to you on 8-23-12.
3. Up to 10 special events per year with attendance levels of 60 to 200 people are requested with the UP application. No outdoor amplified music is planned for the events. The event breakdown is projected as follows:
 - 5 events at 60 people maximum
 - 3 events at 100 people maximum
 - 2 events at 200 people maximum

Anticipated event information is as follows:

<u>Event Description</u>	<u>Quantity</u>	<u>Date & Time</u> <u>Period</u>	<u>Attendees</u> <u>(maximum)</u>
Wine Club Member's Event	2	January - December	60
Distributors Tasting & Dinner	2	January - December	60

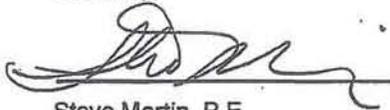
Chef Tastings & Dinner	1	January - December	60
Wine Club Member's Pick-up Event	1	March - October	100
Harvest Party	1	March - October	100
Wine & Farm Product Marketing Event (TBD)	1	March - October	100
Wedding	1	March - October	200
Wine & Farm Product Marketing Event (TBD)	1	March - October	200
TOTAL	10		

Belden Barns plans to participate in selective County-wide industry events.

4. Winery Hospitality Functions: the number of events, description and maximum number of people are as described in the table above. Normal tasting room hours and related visitation will be from 11:00 AM to 6:00 PM. Events described above will be during the time between 11:00 AM to 10:00 PM. Generally, the Wine Club Member events and Harvest Party will be during the day and the Tasting & Dinner functions will be from 5:00 PM to 10:00 PM.
5. Williamson Act Compliance Statement is attached.
6. The winery structure has two attached agricultural employees units. The 2-bedroom unit will be a replacement for the existing Ag Employee dwelling to be removed. The 1-bedroom unit is planned to be a Workforce Housing Unit in order to satisfy the pending Condition of Approval related to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
7. Signed At-Cost Agreement is attached.

I trust the above adequately addresses items #1 through #7 of your June 12, 2012 letter. Please call if you have any questions or comments.

Sincerely,



Steve Martin, P.E.

cc: Nate Belden
attachments

SMA Steve Martin Associates, Inc.

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707-824-9730
707-824-9707 (fax)

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805-541-9730

Memorandum

To:	Melinda Grosch	From:	Steve Martin
Project:	Belden Barns Winery & Farmstead	Date:	August 7, 2012
Project No.:	2011014	No. of Pages:	1
Re:	Winery Siting Narrative		

Melinda,

Per your request in our telephone conversation this week, we are providing a narrative regarding the supporting information and reasoning for the proposed new winery building location (within the BV Visual Corridor) at the Belden Barns Winery & Homestead project located at 5561 Sonoma Mountain Road. This written information is consistent with that discussed during our meeting in June. We also appreciate your recommendation of having Preliminary Design Review as soon as possible and prior to the additional requested studies completed due to the impacts of the DR decision on building location.

Building Locations

Phase I buildings utilize existing structures on the property.

- The existing SF barn will be renovated for the conversion of use to a small winery and creamery.
- The existing 2490 SF residence will be reconstructed and serve as both the owner's residence and separate tasting/hospitality space.
- These existing structures are part of the historical farmstead buildings and predate the BV Area Plan & Visual Corridor.

Phase II winery building is located within the existing farmstead building cluster.

- The new winery building is adjacent to the existing small barn and immediately downhill of the large barn (Phase I winery building).
- To minimize building exposure and natural earth cooling, the building is built into the hillside.
- The building is screened on three sides by the existing farmstead buildings and on the east side by the existing oak trees and heavily vegetated area.

Siting Information

The existing farmstead building cluster is within the Bennett Valley Visual Corridor. To minimize visual impacts to the area, existing structures are being utilized in Phase I and the Phase II winery building (with workforce housing) is nestled into grade within the cluster of existing buildings. The majority of the property is within the BV Visual Corridor with the south east corner area outside of the corridor. The property area outside the BV Visual Corridor is geologically unstable with a documented landslide surveyed and mapped by Giblin Associates in May, 2002. This area is unbuildable.

In 2002, extensive planning and coordination efforts were completed by PRMD Planning staff, Design Review, Giblin Associates and the prior owner (Steve & Kim Bachman) regarding the location of a new residence. This work concluded in PRMD and DR approving a house location within the BV Visual Corridor.

Supporting Information

The proposed location of the new winery building meets the Goals and Policies of the BV Area Plan although it is within the boundaries of the BV Visual Corridor.

- The proposed new building can not be seen from public roadways or neighboring properties. As stated above, it is screened by existing trees and vegetation as well as existing structures (see photo simulation and rendering)
- Cluster development is being accomplished with the building siting (Goals & Policies I.F.)
- Winery building includes two new workforce housing units satisfying both the Work Force Housing policy and the need for low cost housing (Goals & Policies II.A. & II.B.)
- The winery and farmstead supports the agriculture production on site and supports the "vital rural character" (Goals & Policies III.A.)
- The area of the property outside of the BV Visual Corridor is within an open vista. The proposed location of the winery building supports the Open Space and protects the open vista (Goals & Policies IV.A.)
- Views for public roads and the community are protected with the proposed new location since it can not be seen from any public view shed (Goals & Policies IV.C.)

Mitigation Measures within the BV Area Plan include "Maintain Visual Amenity". The proposed location complies as follows:

- Avoids skyline Development
- Is in harmony with the existing structures, area and natural surroundings
- Does not impact visual/scenic corridors
- Will adhere to the BV Design Guidelines (with exception of being within the corridor)
- Does comply with the General Plan and Zoning Ordinance.

Summary

The proposed Belden Barns Winery & Farmstead is responsibly designed to minimize visual impacts to the public and neighboring properties by utilizing existing farm structures and siting the Phase II building within the cluster of farm buildings. The Phase II building architecture is in concert with the existing buildings on site and the agrarian setting. As stated above the public view shed is not affected by the proposed project structures; the new building cannot be seen outside of the property and the existing structures are part of the natural surroundings. Public safety is protected by not attempting to build in the geologically unstable area that falls outside of the BV Visual Corridor.

I trust the above adequately addresses your request for a narrative summary supporting the building location within the BV Visual Corridor. I look forward to discussing the above and additional supporting photos, renderings, photo-simulations and related information with the DR committee.

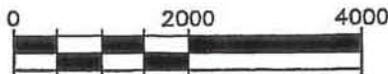
Please call if you have any questions or comments.

Regards,



Steve Martin, P.E

cc: Nate Belden



GRAPHIC SCALE IN FEET

Scale: 1" = 2000'

PROJECT LOCATION MAP

SMA

Steve Martin Associates
 130 South Main Street, Suite No. 201
 Sebastopol, CA 95472
 Office (707) 824-9730, Fax (707) 824-9707
 E-mail: www.SMAAssociates.Net

**Belden Barns
 Winery and Farmstead**
 5560 Sonoma Mountain Road
 Santa Rosa, CA 95404
 AP # 049-030-010

SMA 2011-014

05.30.12

SMA
 Santa Maria Architects
 123 S. Main Street, Ste. 200
 San Luis Obispo, CA 93402
 Tel: (805) 781-1234
 Fax: (805) 781-5678
 www.smaarchitects.com

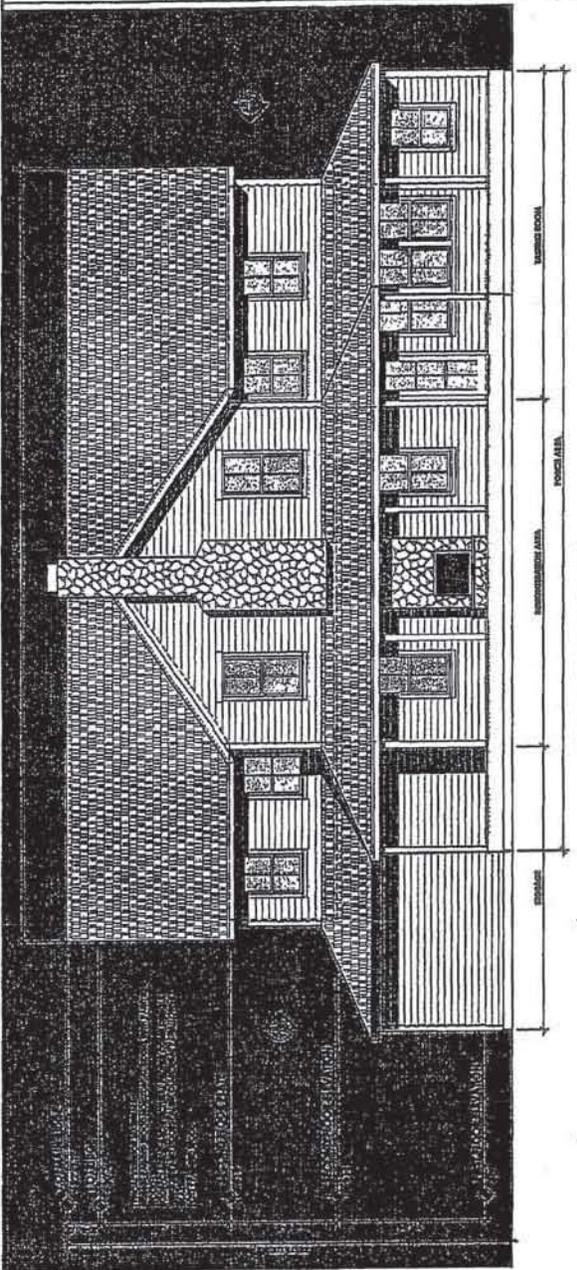
USE PERMIT
PROPOSED HOSPITALITY/
RESIDENCE BUILDING
EXTERIOR ELEVATIONS

BELDEN BARNS
 Winery and Farmstead
 6660 Sonoma Mountain Road
 Santa Rosa, CA 95404
 AP # 049-030-010

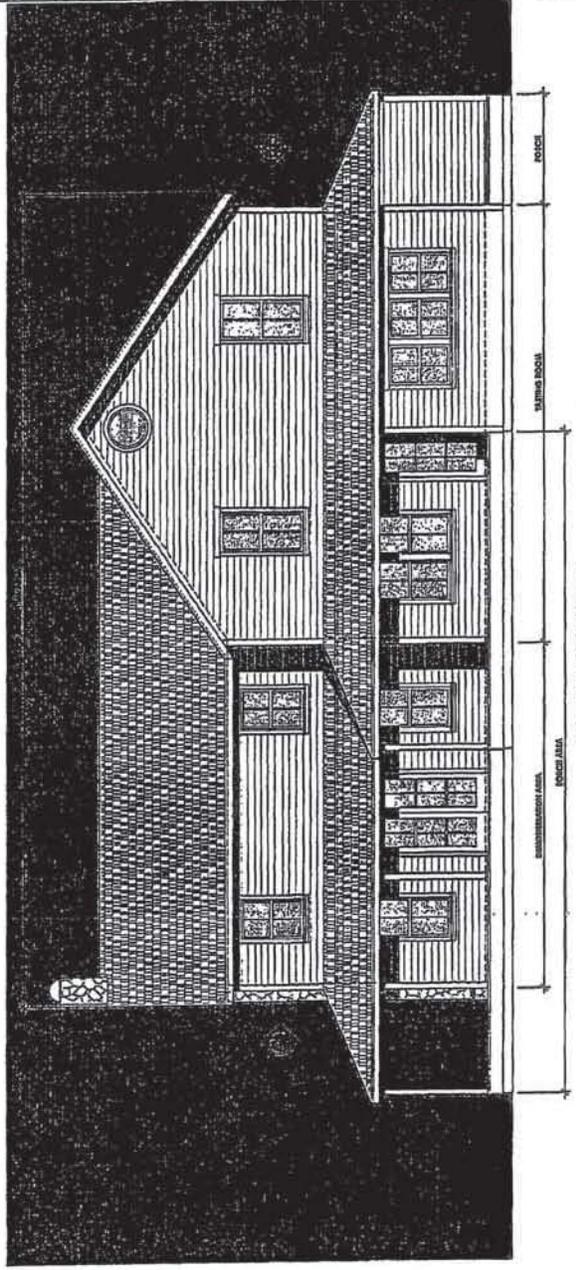
REVISIONS	DATE	DESCRIPTION

PROJECT: 2017-014
 DATE: May 5, 2017
 DRAWN BY: JACOB SP
 PROJECT: 1711-01-01
 SHEET:

A5



(A) FRONT ELEVATION (NORTH)



(B) SIDE ELEVATION (WEST)

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 Santa Rosa Architects, Inc.
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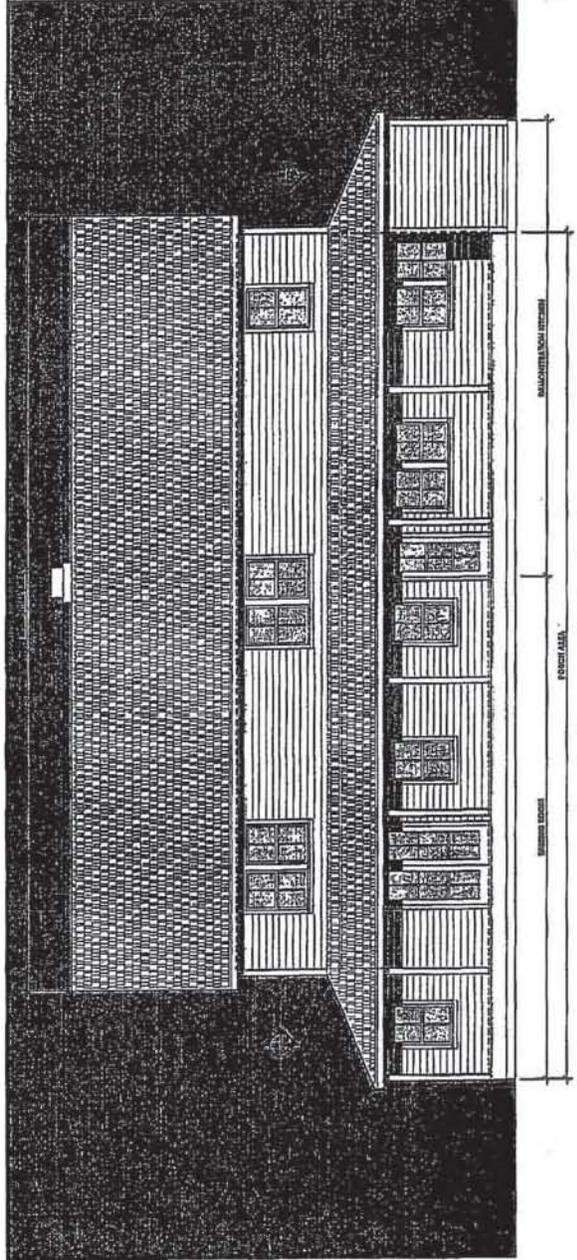
USE PERMIT
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BELDEN BARNS
 Winery and Farmstead
 5580 Sonoma Mountain Road
 Santa Rosa, CA 95404
 AP # 049-030-010

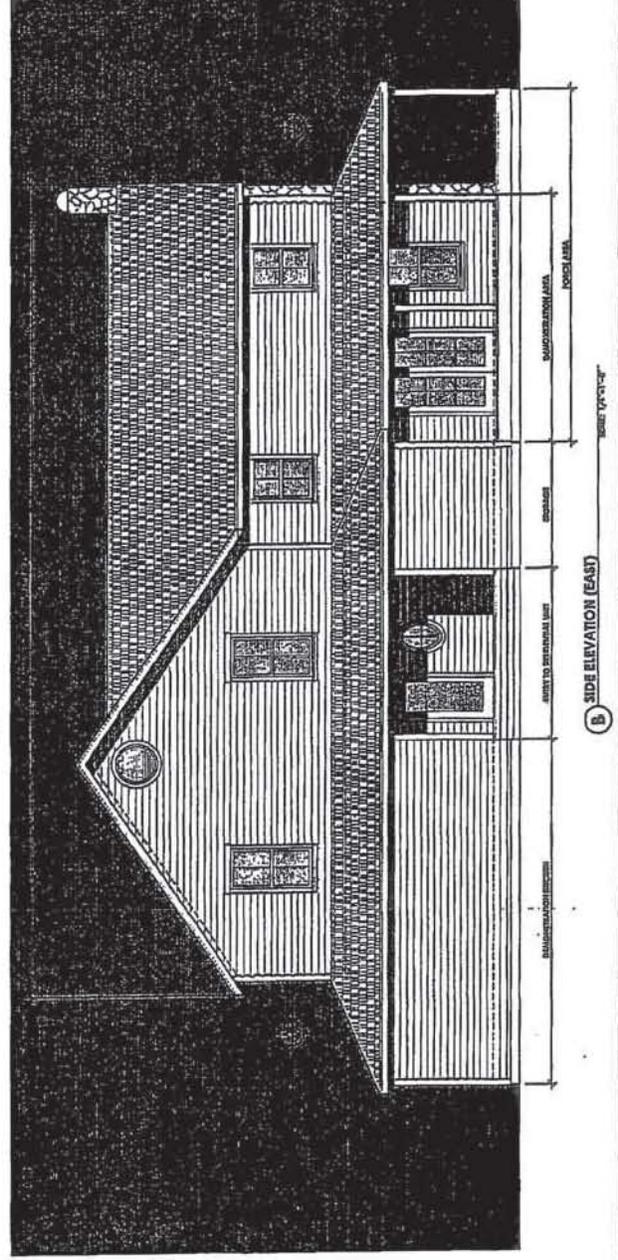
NO.	DATE	DESCRIPTION

DATE: 08/15/2017
 DRAWN BY: J. GARDNER
 CHECKED BY: J. GARDNER
 PROJECT: 17-04-001-01
 SHEET: A6

A6

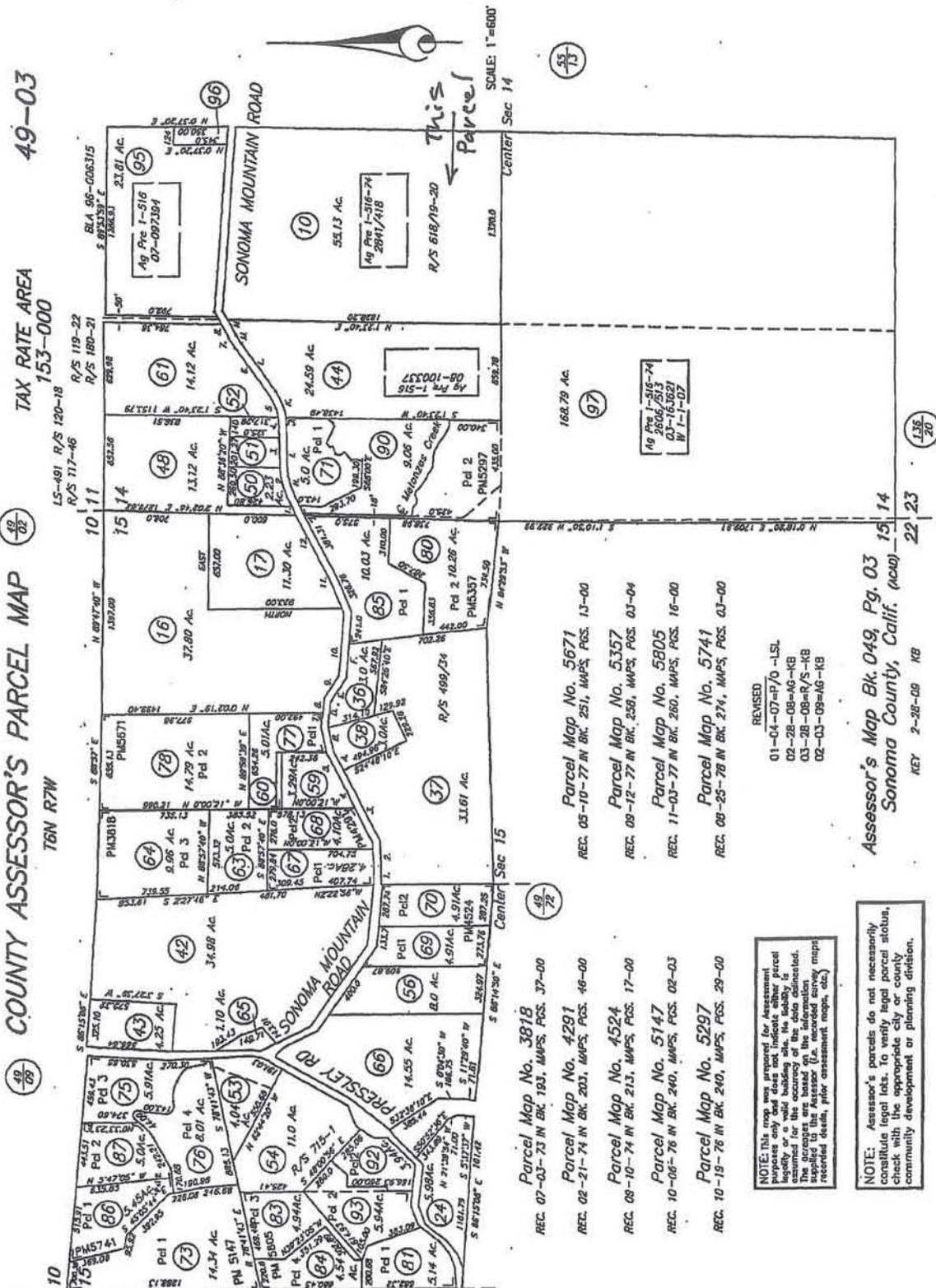


A REAR ELEVATION (SOUTH)
 SCALE: 1/4"=1'-0"



B SIDE ELEVATION (EAST)
 SCALE: 1/4"=1'-0"

COUNTY ASSESSOR'S PARCEL MAP 49-03
 TAX RATE AREA 153-000
 76N R7W



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TRANSMITTAL

PLP12-0016

Project: **Belden Barns Winery**
Project No.: 2011014

Date: June 04, 2013

To: **Melinda Grosch**
County of Sonoma PRMD
2550 Ventura Avenue
Santa Rosa, CA 95401

Site:
APN# 049-030-010
5560 Sonoma Mountain Road
Santa Rosa, CA 95404

SENT VIA: Email Overnight Regular Mail Drop-off

Copies	Date	Description
1	06/03/13	Biological Assessment for APN#049-030-010

TRANSMITTED: For approval For your use As requested For review & comment

Dear Melinda,

See attached hard copy of the Biological Assessment prepared by Kjeldsen Biological Consulting.

Please call if you need anything else.

Sincerely,

Jeannie VandeWeg
Project Administrator

cc: File

Start pg 12
in Initial St.

BIOLOGICAL ASSESSMENT

Belden Barns - Winery and Farmstead

5560 Sonoma Mountain Road

Santa Rosa, CA 95404

APN 049-030-010



Prepared

By

Kjeldsen Biological Consulting

For

Belden Barns Winery and Farmstead

Steiner Vineyard, LLC

May 24, 2013

BIOLOGICAL ASSESSMENT

**Belden Barns Winery and Farmstead
5560 Sonoma Mountain Road
Sonoma County**

PROJECT NAME:

Belden Barns Winery and Farmstead
APN 049-030-010
5560 Sonoma Mountain Road
Santa Rosa, CA 95404
Sonoma County

PROJECT COORDINATOR:

Steve Martin Associates, Inc
130 South Main St. Suite 201
Sebastopol, CA 95472

REPORT PREPARED BY:

Kjeldsen Biological Consulting
923 St. Helena Ave.
Santa Rosa, CA 95404
(707) 544-3091
Fax (707) 575-8030
kjeldsen@sonic.net

PERIOD OF SURVEY:

Spring-Summer 2013

BIOLOGICAL ASSESSMENT

**Belden Barns Winery and Farmstead
5560 Sonoma Mountain Road
Santa Rosa, CA 95404**

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BIOLOGICAL ASSESSMENT

Belden Barns Winery and Farmstead

5560 Sonoma Mountain Road

Sonoma County

EXECUTIVE SUMMARY

This study was conducted at the request of Belden Barns Winery and Farmstead, as background information for project permits from the Sonoma County Permit and Resource Management Department.

The project proposes the construction of a winery within an existing ranch complex (improved entrance, new winery road, improved driveway, new turnaround and parking spaces, winery building, replacement of residence, existing barn renovation and truck turnaround). The property is located southeast of the city of Santa Rosa, within the northwest edge of the USGS Glen Ellen Quadrangle, at 5560 Sonoma Mountain Road.

The purpose of this report is to identify biological resources that may be affected by the proposed project. The fieldwork studied the proposed project envelope and surrounding environment. The findings presented below are the results of fieldwork conducted in 2013 by Kjeldsen Biological Consulting:

- The project footprint is within a developed landscape that has had decades of different agricultural endeavors (the habitat of the project footprint is ruderal agricultural grassland that has been routinely disked and mowed). The proposed project site is at the old ranch headquarters that consists of residence, employee unit and agricultural barns and infrastructure;
- The project is not located within the designated area of the U.S.F.W.S. Sonoma California Tiger Salamander, Proposed Critical Habitat Unit 1 -Santa Rosa Plain.
- The project is not located in the designated area of the U.S.F.W.S Programmatic Biological Opinion (PBO) for the U.S. Army Corps of Engineers for Projects that May Affect Listed Plant Species on the Santa Rosa Plain;
- No habitat for special-status plant or animal species was identified on the project site. We find that it is unlikely that the proposed project would impact any of the special-status plants known for the Quadrangle or the region based on the habitat present and historic use within and associated with the project footprint;
- The proposed project will not significantly reduce habitat for any local special-status animals;
- No raptor activity or nests were observed on or near the proposed project site;
- The project footprint drains by sheet flow into an unnamed tributary of Matanzas Creek;

- A man made reservoir is near the project site. The reservoir is separated from the project;
- The project sewer system and storm water drainage will be conveyed to an engineered disposal system with in existing vineyards. There is no reason to expect any hydrologic or significant impacts to aquatic life in the watershed;
- There are no indications of the presence of Sensitive Natural Communities regulated by the California Department of Fish and Game or US Fish and Wildlife are present within or directly associated with the project footprint;
- The new access road is adjacent to an unnamed drainage with riparian vegetation. The project proposes a 30 ft setback;
- The proposed project will not substantially interfere with native wildlife species, wildlife corridors, or native wildlife nursery sites;
- The footprint of the project will not significantly contribute to habitat loss or habitat fragmentation; and
- The flora and fauna observed on and near the site are included as an Appendix.

Assessment of Impacts

The property and project site conditions are such that there is no reason to expect any impacts to special-status species on site or off site provided Best Management Practices are implemented. The primary biological concern is the protection and prevention of sediment release from the construction phase of the project. Standard Erosion control measures and BMPs will protect resource on site during and post-construction. No natural habitat will be removed or impacted by the proposed project.

Riparian vegetation along the drainage has the potential to be impacted if the proposed road or construction is proposed under the drip line of trees.

Recommendations

All project construction activities must be limited to the project footprint. Best Management Practices including silt and erosion control measures must be implemented to prevent off-site movement of sediment and dust during and post construction.

Construction fencing should be considered for installation along the edge of the new winery access road adjacent to the drainage along the buffer zone. No construction should be allowed under the canopy of the riparian zone adjacent to the proposed project. Construction fencing will ensure that no construction equipment, fill, staging or storage occurs in this area.

Project construction has the potential for disturbing raptors during breeding/bird nesting season (March 1 through July 31). A pre-construction survey of potential nesting raptor habitat within 500 feet of earthmoving activities should be conducted is construction begins during this time. Surveys should be conducted within 14 days prior to groundbreaking activities associated with road construction. If active nests are found during preconstruction surveys the project applicant should consult with the California Department of Fish and Game and obtain approval for appropriate buffers or delay construction until it is determined that all young have fledged.

BIOLOGICAL ASSESSMENT

Belden Barns Winery and Farmstead

A. PROJECT DESCRIPTION

A.1 Introduction

This study was conducted at the request of Belden Barns Winery and Farmstead, as background information for project permits from the Sonoma County Permit and Resource Management Department.

The property consists of vineyards and ranch infrastructure with landscape plantings, reservoir, agricultural grasslands and a small portion of upland oak woodlands. The project proposes improvement of existing house and infrastructure (improved entrance, new winery road, improved driveway, new turnaround and parking spaces, winery building, replacement of residence, existing barn renovation and truck turnaround.

The property is located 5560 Sonoma Mountain Road southeast of the city of Santa Rosa. The parcel is within the northwest edge of the USGS Glen Ellen Quadrangle. The surrounding land use consists of vineyards, rural residential housing, pasturelands and upland oak woodlands. Plate I provides a site and location map of the property. Plate III provides an aerial photograph of the property and Plate V presents the site plan for the project.)

A.2 Purpose

The purpose of this report is to identify biological resources that may be affected by the proposed project as listed below:

- To determine the presence of potential habitat for special-status species which would be impacted by the proposed project, including habitat types which may have the potential for supporting special-status species (target species that are known for the region, the Quadrangle and surrounding Quadrangles);
- To identify the presence of special-status plant species and assess the potential impact of the project on sensitive plants or sensitive plant habitat;
- To identify if the project will have a substantial adverse effect on Sensitive Habitats or Communities regulated by the California Department of Fish and Game;
- To identify and assess potential impacts to Federal or State protected wetlands as defined by Section 404 of the Clean Water Act; and
- To determine if the project will substantially interfere with native wildlife species, wildlife corridors, and or native wildlife nursery sites.

A.3 Definitions

Definitions related to or used in this report are attached in Appendix B.

B SURVEY METHODOLOGY

B.1 Project Scoping

The scoping for the project considered location and type of habitat and or vegetation types present on the property or associated with potential special-status plant species known for the Quadrangles, surrounding Quadrangles the County or the region. Our scoping also considered records in the most recent version of the Department of Fish and Wildlife California Natural Diversity Data Base (DFW CNDDDB Rare Find-4), Biogeographic Information and Observation System Online mapping tool, and the California Native Plant Society (CNPS) Electronic Inventory of Rare or Endangered Plants. "Target" special-status species are those listed by the State, the Federal Government or the California Native Plant Society or considered threatened in the region. Our scoping is also a function of our familiarity with the local flora and fauna as well as previous projects on other properties in the area.

The California Wildlife Habitat Relationships (WHR) System (Department of Fish and Wildlife) query was run to determine through habitat what potential species could be present on the project site.

Tables II and III present DFW CNDDDB Rare Find-3 species within five miles. We also considered species which are known for the nine surrounding Quadrangles, and would potentially be present based on habitat present on site.

B.2 Field Survey Methodology

Site plans and background materials for the project were provided by Steve Martin Associates, Inc. Fieldwork was conducted by walking the project footprint and the surrounding area on the property with two personnel (Chris K. Kjeldsen, and Daniel T. Kjeldsen). Our fieldwork analyzed the project site and surrounding habitat for special-status organisms or the presence of suitable habitat, which would support special-status organisms. The findings presented below are the results of fieldwork conducted on March 14, April 18, and May 16, 2013 by Kjeldsen Biological Consulting.

Plants Field surveys were conducted recording and identifying all species on the site and in the near proximity. Transects through the proposed project sites were made methodically by foot. Transects were established and scrutinized to cover topographic and vegetation variations within the study area. The Intuitive Controlled approach calls for the qualified surveyor to conduct a survey of the area by walking through it and around its perimeters, and closely examining portions where target species are especially likely to occur. The open nature of the site, historic and on going agricultural practices, and small size of the proposed development footprint facilitated our field studies.

The fieldwork for identifying special-status plant species is based on our knowledge and many years of experience in conducting special-status plant species surveys in the region. Plants were identified in the field or reference material was collected, when necessary, for verification using laboratory examination with a binocular microscope and reference materials. Herbarium specimens from plants collected on the project site were made when relevant. 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.

Typically, blooming examples are required for identification however; it is not the only method for identifying the presence of or excluding the possibility of rare plants. Vegetative morphology and dried flower or fruit morphology, which may persist long after the blooming period, may also be used. Skeletal remains from previous season's growth can also be used for identification. Some species do not flower each year or only flower at maturity and therefore must be identified from vegetative characteristics. Algae, fungi, mosses, lichens, ferns, Lycophyta and Sphenophyta have no flowers and there are representatives from these groups that are now considered to be special-status species, which require non-blooming identification. For some plants unique features such as the aromatic oils present are key indicator. For some trees and shrubs with unique vegetative characteristics flowering is not needed for proper identification. The vegetative evaluation as a function of field experience can be used to identify species outside of the blooming period to verify or exclude the possibility of special-status plants in a study area.

Habitat is also a key characteristic for consideration of special-status species in a study area. Many special-status species are rare in nature because of their specific and often very narrow habitat or environmental requirements. Their presence is limited by specific environmental conditions such as: hydrology, microclimate, soils, nutrients, interspecific and intraspecific competition, and aspect or exposure. In some situations special-status species particularly annuals may not be present each year and in this case one has to rely on skeletal material from previous years. A site evaluation based on habitat or environmental conditions is therefore a reliable method for including or excluding the possibility of special-status species in an area.

Animals were identified in the field by their sight, sign, or call. Our field techniques consisted of surveying the area with binoculars and walking the perimeter of the project site. Existing site conditions were used to identify habitat, which could potentially support special status species. All animal life was recorded and is presented in Appendix A.

Trees were surveyed to determine whether occupied raptor nests were present within the proximity of the project site (i.e., within a minimum 500 feet of the areas to be disturbed). Surveys consisted of scanning the trees on the property (500 ft +) with binoculars searching for nest or bird activity. Our search was conducted from the property and by walking under existing trees looking for droppings or nest scatter from nests that may be present that were not observable by binoculars.

Potential bat breeding habitat was surveyed for within 200 feet of the proposed project, by looking for roosting habitat in buildings that were accessible, rock outcrops, tree crevasses, and evidence of roosting.

Aerial photos were reviewed to look at the habitat surrounding the site and the potential for wildlife movement, or wildlife corridors from adjoining properties onto or through the site.

Wetlands The project site was reviewed to determine from existing environmental conditions with a combination of vegetation, soils, and hydrologic information if seasonal wetlands were present. Wetlands were evaluated using the ACOE's three-parameter approach: Vegetation, Hydrology, and Soils. Tributaries to Waters of the US are determined by the evaluation of continuity and "ordinary high water mark".

C RESULTS / FINDINGS

Our results and findings are based on our fieldwork, literature search, and the background material available for the project.

C.1 Biological Setting

The site is located in the North Coast Range Mountains, a geographic subdivision of the larger California Floristic Province (Hickman, 1993), which is strongly influenced by the Pacific Ocean. The region is in a climate Zone "Ocean influenced Northern and Central California" characterized as an area with ocean or cold air influence. The climate of the region is characterized by hot, dry summers and cool, wet winters, with precipitation that varies regionally from less than 30 to more than 60 inches per year. This climate regime is referred to as a "Mediterranean Climate". The average annual temperature ranges from 45 to 90 degrees Fahrenheit. The variations of abiotic conditions including geology results in a high level of biological diversity per unit area.

The photographs (Figures 1 to 5) below illustrate the study site.



05.15.2013

Figure 1. Existing driveway that will be improved. Planted Cypress. The view is to the north from the ranch headquarters. The new winery access road will be constructed in the ruderal grassland on the right.

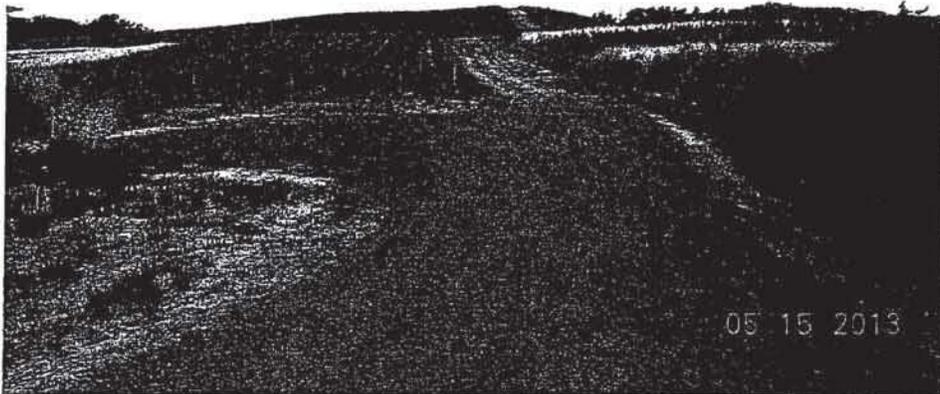


Figure 2. View to the west of the existing vineyards. The event parking will be located at the end of the existing gravel road along the vineyard access road in view.



Figure 3. Site for the proposed the new Winery Building.



Figure 4. The new winery access road will be constructed in the grasslands with a 30 ft setback from the creek with riparian vegetation on the right. View is to the north.

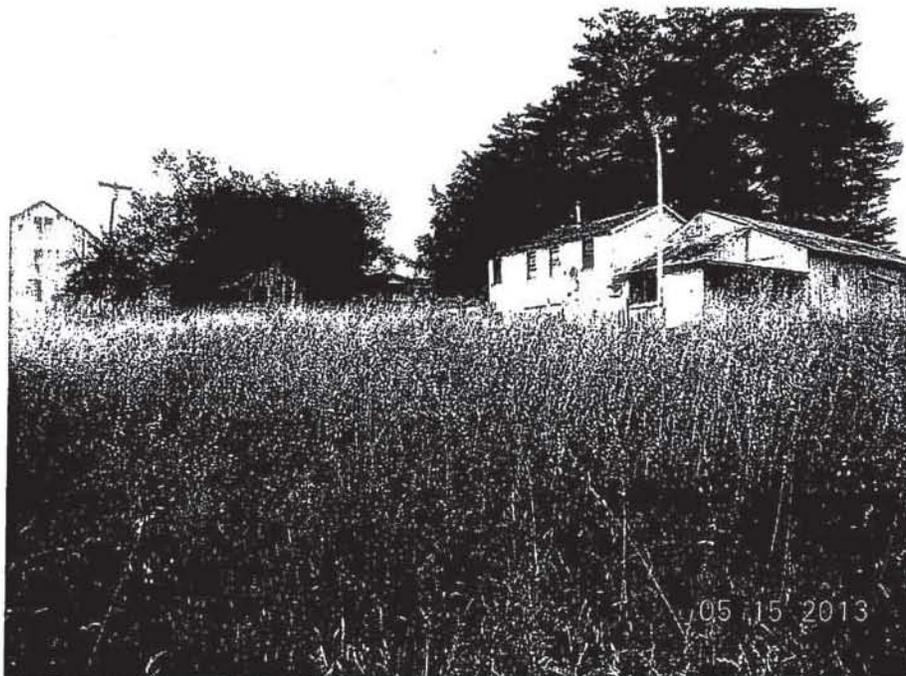


Figure 5. Winery location will be within the grasslands in the foreground. The buildings on the right will be renovated as well as the barn in the background.

C.2 Habitat Types Present

The vegetation of California has been considered to be a mosaic, with major changes present from one area to another, often with distinct changes within short distances. The variation in vegetation is a function of topography, geology, climate and biotic factors. It is generally convenient to refer to the vegetation associates on a site as a plant community or alliance. Biologists use habitat types or biotic communities for the plant and animals that are associated with a particular vegetation type in a region. Typically plant communities are identified or characterized by the dominant vegetation form or plant species present. There have been numerous community classification schemes proposed by different authors using different systems for the classification of vegetation. A basic premise for the designation of plant communities or associations is that in nature there are distinct plant populations occupying a site that are stable at any one time (climax community is a biotic association, that in the absence of disturbance maintains a stable assemblage over long periods of time). There is also evidence that vegetation on the site is part of a continuum without well-defined boundaries.

It is generally convenient to refer to the vegetation associates on a site as a plant community. There have been numerous plant community classification schemes proposed by different authors. There is also evidence that the vegetation in nature may part of a continuum without well-defined boundaries. For practical purposes and site descriptions plant communities/associations/alliances or habitat types are used. The 2009 Manual of California Vegetation (Sawyer) is the preferred system at present but much of the literature i.e. California Native Plant Society and CNDDB) use different systems.

The project footprint is entirely within a developed landscape that has been in agriculture use for decades. The footprint is either within or on hardscape or agricultural grasslands. The agricultural grasslands are classified according to Sawyer 2009 as Grassland Semi-Natural Herbaceous Stands with Herbaceous Layer (Annual Grasslands).

Grassland Semi-Natural Herbaceous Stands with Herbaceous Layer

Semi-Natural Herbaceous Grasslands are a result of decades of grazing and the introduction of non-native grasses and herbs. Sawyer uses the term "Semi-natural Stands to refer to non-native introduced plants that have become established and coexist with native species. Semi-natural stands are those dominated by non-native species that have become naturalized primarily as a result of historic agricultural practices and fire suppression or management practices for weed abatement and fire suppression. This includes what can be termed weeds, aliens, exotics or invasive plants in agricultural and nonagricultural settings. The Semi-natural Herbaceous Stand present within the proposed project is described below.

Avena (barbata, fatua) Semi-Natural Herbaceous Stands Wild oats grasslands. *Avena barbata* or *A. fatua* is dominant or co-dominant in the herbaceous layer. Emergent trees and shrubs may be present at low cover. Herbs <1.2 m; cover is open to continuous. Stands are present in waste places, rangelands, and openings in woodlands. The membership rules require *Avena ssp.* to be > 75% relative cover; other non-native <5% absolute cover, if present, in the herbaceous layer. *Avena* species are cool-season, annual grasses from Eurasia. These annual grasslands are common in the region.

The species observed on or near the project site are included as an attachment (Appendix A).

C.3 Special-Status Species

The flora and fauna observed during our study are presented in Appendix A.

The DFW CNDDDB does not show any records of special-status species of plants or animals for the project study site.

Tables I and II below list the “target” special status plants and animals known from the near vicinity of the project site. The tables provide the habitat associated with the taxon, seasonality of plant species and justification for concluding absence on the project site. Several species are associated with habitat present on portions of the site as noted in the table. Our scoping as presented above also includes the species shown in Appendix C.

The project is not located in the designated area of the U.S.F.W.S. Programmatic Biological Opinion (PBO) for the U.S. Army Corps of Engineers for Projects that May the Three Endangered Plant Species on the Santa Rosa Plain (Map provided by the U.S. Fish and Wildlife Service July 21, 2005). There are no wetlands, vernal pools, or seasonal drainages associated with the proposed project, and no habitat which would contain topographic, hydrologic, and geographic conditions of suitable habitat.

Plants

Table I. Analysis of potential “target” special-status plant species. The taxa included in the table are selected based on the DFW CNDDDB Rare Find 3 records for species known to occur within five miles of the project site (Plate II).

Scientific Name Common Name	Habitat Type or Plant Alliance	Habitat Present On Site	Flower Period	Species Observed	Justification for Concluding Absence on Project Site
<i>Allium peninsulare</i> var. <i>franciscanum</i> Franciscan Onion	Cismontane woodland, Valley and Foothill Grassland/Clay often Serpentine.	No	May- June	No	Absence of requisite edaphic conditions. Historic agricultural use precludes presence.
<i>Alopecurus aequalis</i> var. <i>sonomensis</i> Sonoma Alopecurus	Marshes and Swamps	No	May- July	No	Absence of requisite mesic habitat or substrate on project site.
<i>Amorpha californica</i> var. <i>napensis</i> Napa False Indigo	Cismontane Woodland	No	April- July	No	Absence of typical habitat and vegetation associates.
<i>Balsamorhiza</i> <i>macrolepis</i> var. <i>macrolepis</i> Big-scale Balsamroot	Chaparral, Cismontane Woodland, Valley and Foothill Grassland	No	March- June	No	Historic use of site precludes presence.

Scientific Name Common Name	Habitat Type or Plant Alliance	Habitat Present On Site	Flower Period	Species Observed	Justification for Concluding Absence on Project Site
<i>Blennosperma bakeri</i> Sonoma Sunshine	Valley and Foothill Grassland, Vernal Pools	No	March- May	No	Absence of requisite mesic habitat.
<i>Brodiaea leptandra</i> Narrow-anthered California Brodiaea	Broadleaved Upland Forest, Chaparral	No	May- July	No	Requisite microhabitat, edaphic requirements, native vegetation associates not present.
<i>Ceanothus divergens</i> Calistoga Ceanothus	Chaparral, Serpentine or Volcanic-Rocky.	No	May- Sep.	No	Absence of typical habitat and vegetation associates.
<i>Ceanothus sonomensis</i> Sonoma Ceanothus	Chaparral, Serpentine or rocky Volcanic	No	Feb.- March	No	Absence of typical habitat and vegetation associates.
<i>Centromadia parryi</i> ssp. <i>parryi</i> Pappose Tarplant	Grassland salt or alkaline marshes	No	March- June	No	Requisite mesic conditions absent.
<i>Downingia pusilla</i> Dwarf Downingia	Wetlands	No	March -May	No	Absence of requisite mesic habitat or substrate on project site precludes presence.
<i>Fritillaria liliacea</i> Fragrant Fritillary	Open Grasslands	No	Feb.- April	No	Historic agricultural use precludes presence
<i>Legenere limosa</i> Legenere	Vernal Pools	No	April- June	No	Absence of requisite mesic habitat.
<i>Leptosiphon jepsonii</i> Jepson's Leptosiphon	Chaparral, Cismontane Woodland, Valley and Foothill Grassland.	No	April- May	No	Requisite habitat absent on the site. Absence of requisite mesic habitat.
<i>Navarretia leucocephala</i> ssp. <i>bakeri</i> Baker's Navarretia	Meadows and Seeps Cismontane Woodland, Valley Foothill Grassland, Vernal Pools	No	May- July	No	Absence of typical habitat and vegetation associates.
<i>Pleuropogon hooverianus</i> North Coast Semaphore Grass	Broadleaved Upland Forest, meadows and seeps, marshes and swamps	No	May- Aug.	No	Mesic habitat not present on project site.

Scientific Name Common Name	Habitat Type or Plant Alliance	Habitat Present On Site	Flower Period	Species Observed	Justification for Concluding Absence on Project Site
<i>Sidalcea oregana</i> ssp. <i>valida</i> Kenwood Marsh Checkerbloom	Meadows and seeps, Riparian scrub mesic	No	June- Aug.	No	Requisite mesic habitat absent.
<i>Trifolium amoenum</i> Showy Rancheria Clover Two-fork Clover	Valley and Foothill Grassland	No	April- June	No	Historical use of the site precludes presence. This species is vulnerable to livestock grazing.
<i>Trifolium</i> <i>hydrophilum</i> Saline Clover	Marshes and Swamps Grassland	No	April- June	No	Absence of mesic habitat required for presence.
<i>Viburnum</i> <i>ellipticum</i> Oval- leaved Viburnum	Chaparral, Cismontane Woodland, Lower Coniferous Forest	No	May- June	No	Requisite habitat absent on the site or in the immediate vicinity.

The only special-status plant that is close to the project (approximately 1 mile west) is the North Coast Semaphore Grass. This grass is found in wetlands (meadows and seeps, marshes and swamps) which are not present on or near the project site. The project site is located within developed landscape or within ruderal semi-natural grassland. Special-status plant species associated with native grasslands are reasonably precluded from presence as a result of historic use of the area.

We found no evidence for the presence of the above referenced special-status species or any other special-status species known for the region. Based on habitat present associated with the proposed project, historic use, and vegetation observed on or near the project footprint we conclude that it is unlikely that any of the species shown in the table above, or known for the region, would be present, or have the potential to occurred on the project site.

The Valley and Foothill Grassland as per CNPS classification on the project site has been disturbed as a result of past agricultural uses. As shown above the Sawyer Classification considers the site to be Semi-natural grassland herbaceous alliance. There were no indications of undisturbed (non-invaded with European weed species) native grasslands present.

It is unlikely that proposed project would have a substantial impact to special-status plant species, either directly or through habitat modifications based on the lack of habitat required for their presence and the historical use of the project site.

Animals

Plate II illustrates the records of special-status animal species, which are present within a five-mile radius of the study site. There are no records of special-status animals for the project site. Table II

below provides information and findings relating to the special-status animals within the vicinity of the project site.

Table II. Analysis of special-status animals for the area. The taxa included in the table are selected based on DFW CNDDDB records within five miles of the project (Appendix B, C, and Plate II).

Scientific Name Common Name	Species Habitat	Habitat Present On the Project Site	Obs. on or Near Project Site	Justification for Concluding Absence on Project Site
<i>Agelaius tricolor</i> Tricolored Blackbird	Tule Marshes	No	No	Lack of habitat.
<i>Ambystoma californiense</i> California Tiger Salamander	Ephemeral Breeding pools with upland oak woodlands for estivation	No	No	Project is not within known range. No potential habitat on site.
<i>Antrozous pallidus</i> Pallid Bat	Roosts in Caves, buildings, woodlands, arid regions	No	No	No rock outcrops, bridges, large mature trees, or riparian vegetation removed by project. No signs of significant bat activity observed.
<i>Athene cunicularia</i> Burrowing Owl	Low lying grasslands	No	No	Lack of habitat. Species not observed.
<i>Caecidotea tomalensis</i> Tomales Isopod	Aquatic	No	No	Lack of suitable habitat. No aquatic habitat impacted.
<i>Coccyzus americanus occidentalis</i> Western Yellow-billed Cuckoo	Riparian Forest and Woodlands along Permanent Streams	No	No	Requisite habitat absent. Not associated with Project. Drainage is intermittent.
<i>Emys marmorata</i> Western Pond Turtle	Slow moving water or ponds	No	No	Reservoir on property contains potential habitat. Distance (Approx. 800 feet) precluded presence on project site. Species was not observed.
<i>Hydrochara rickseckeri</i> Ricksecker's Water Scavenger Beetle	Shallow Water, creeks ponds	No	No	Requisite aquatic habitat absent. Drainage is intermittent.
<i>Hydroporus leechi</i> Leech's Skyline Diving Beetle	Ponds	No	No	Requisite aquatic habitat absent. Drainage is intermittent.

Scientific Name Common Name	Species Habitat	Habitat Present On the Project Site	Obs. on or Near Project Site	Justification for Concluding Absence on Project Site
<i>Oncorhynchus mykiss irideus</i> Steelhead-central California Coast	Aquatic	No	No	Lack of aquatic habitat.
<i>Rana boylei</i> Foothill Yellow-legged Frog	Streams with pools	No	No	Lack of habitat precludes presence.
<i>Rana draytonii</i> California Red-legged Frog	Creeks, Rivers, Permanent flowing water.	No	No	Lack of habitat on project site. (Approx. 800 feet from potential habitat)
<i>Syncaris pacifica</i> California Freshwater Shrimp	Creeks and Estuaries below 300 ft.	No	No	Requisite habitat required for presence lacking.

Species with potential for presence near the project site are addressed below.

The project is not located within the designated area of the U.S.F.W.S. Sonoma California Tiger Salamander, Proposed Critical Habitat. Unit 1 -Santa Rosa Plain.

Western Pond Turtle (*Emys marmorata*). The western pond turtle is found throughout California and is listed by the State as a Species of Concern. It does not have Federal status. Suitable habitat consists of any permanent or nearly permanent body of water or slow moving stream with suitable refuge, basking sites and nesting sites. Refuge sites include partially submerged logs or rocks or mats of floating vegetation. Basking sites can be partially submerged rocks or logs, as well as shallow-sloping banks with little or no cover. Nesting occurs in sandy banks or in soils up to 100 meters away from aquatic habitat. The existing reservoir is not associated with the project and is approximately 800 feet from project activities. It was surveyed for pond turtles and we found no evidence for presence. If western pond turtle were present in the reservoir it is unlikely that they would move into or use habitat which will be impacted by the proposed project.

California Red-legged Frog (*Rana draytonii*) The California red-legged frog inhabits permanent or nearly permanent water sources (quiet streams, marshes, and reservoirs). They are highly aquatic and prefer shorelines with extensive vegetation. There are two recorded occurrences DFW CNDDDB within 5- miles of the property. The closest is approximately 1.5 miles to the south and 2 miles to the north. The reservoir on the property contains limited habitat for this species. The unnamed drainage on the east side of the property is seasonal which reasonably precludes presence of this species. The reservoir contains bullfrogs and has year round water. These two factors do not eliminate the possibility for the occurrence but significantly reduce the potential for survival of this species. The project site is not near the reservoir and does not contain habitat which would support this species. If frogs were present it would be unlikely that they would move into or use habitat which will be impacted by the proposed project. No aquatic or upland habitat for this species will be impacted by

the proposed project. We find that project will not have any adverse effects on California red-legged frogs should they be in the area.

Bats Any structure may support roosting bats or temporary roosts, no evidence of the presence of bats was found in the buildings on the property. Removal or remodeling of existing ranch buildings will not significantly impact roosting bats.

Pallid Bat (*Antrozous pallidus*): The Pallid Bat occupies a wide variety of habitats, such as grasslands, shrublands, and forested areas of oak and pine, but prefer rocky outcrops. The pallid bat roosts in caves, mines, crevices, and occasionally in hollow trees or buildings. They forage over open country. The large barn on the property is very open with large bay doors and therefore does not contain suitable roosting habitat. No roosts or evidence of their presence was observed during our field survey. The CNDDDB lists a sighting of the bat approximately 2 miles east of project. The proposed project will not have a significant impact on this species.

Based on habitat associated with the proposed project site we conclude that it is unlikely that any of the species shown in the table above, or others known for the region, would occur on the site given history of disturbance, and lack of proper hydrology/topography. It is unlikely that the project would negatively impact special-status animals or have any significant habitat loss for special-status animal species.

C.4 Discussion of Sensitive Habitat Types

The sensitive habitat types identified by the DFW CNDDDB for the quadrangles and surrounding quadrangles are the following; Coastal and Valley Freshwater Marsh, Northern Vernal Pool and Valley Needle Grass Grassland. The above referenced habitat types are not present on the project site. See Plate IV for the location of Biological Resources associated with the property.

• Riparian Vegetation

Riparian habitat and vegetation are 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 proposed project does not include any removal of riparian vegetation. The riparian vegetation along the unnamed drainage on the east side of the property should be protected and avoided.

• Seasonal Wetland

Seasonal wetland generally denotes areas where the soil is seasonally saturated and/or inundated by fresh water for a significant portion of the wet season, and then seasonally dries during the dry season. To be classified as "Wetland," the duration of saturation and/or inundation must be long enough to cause the soils and vegetation to become altered and adapted to the wetland conditions. Varying degrees of pooling or ponding, and saturation will produce different edaphic and vegetative responses. These soil and vegetative clues, as well as hydrological features, are used to define the

wetland type. Seasonal wetlands typically take the form of shallow depressions and swales that may be intermixed with a variety of upland habitat types. Seasonal wetlands fall under the jurisdiction of the U.S. Army Corps of Engineers.

There are no seasonal wetlands associated with the footprint of the proposed project.

• **“Waters of the State”**

“Waters of the State” include drainages which are characterized by the presence of definable bed and bank that meet ACOE, and RWQCB definitions and or jurisdiction. Any discharge of storm water into “Waters of the State” will require ACOE, DFW, and RWQCB permits. The project as designed will handle all storm water on-site.

The present conditions show that the project footprint drains by sheet flow into an unnamed tributary of Matanzas Creek. This is seasonal drainage on the east side of the property that conveys storm water to a roadside ditch thence Matanzas Creek which is part of the Russian River water shed.

Any impact to the bed and or bank of this drainage will require agency consultation and permits from the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Regional Water Quality Control Boards for impacts to “Waters of the State”.

The project as proposed will not impact any “Waters of the State.”

• **Migratory Corridors or Habitat Links**

Wildlife Corridors are natural areas interspersed within developed areas that are important for animal movement, increasing genetic variation in plant and animal populations, reduction of population fluctuations, 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 preserve watershed connectivity. Corridor users can be grouped into two types: passage species and corridor dwellers. The data from various studies indicate that wildlife corridors should be a minimum of 100 feet wide to provide adequate movement for passage species and corridor dwellers in the landscape.

The project will not negatively impact any migratory corridor or interrupt habitat linkage.

• **Trees**

The project footprint is within a developed landscape or ruderal grasslands. No trees are proposed to be removed along the entrance road.

One small native oak trees will be impacted by the proposed project.

• **Vernal Pools**

Vernal pools are a type of seasonal wetland distinct for California and the western US. Typically they are associated with seasonal rainfall or “Mediterranean climate” and have a distinct flora and fauna, an impermeable or slowly permeable substrate and contain standing water for a portion of the

year. They are characterized by a variable aquatic and dry regime with standing water during the spring plant growth regime. They have a high degree of endemism of flora and fauna.

The project is not associated with any vernal pools.

• **Nesting or Breeding Habitat, or Unique Plant Distributions or Populations**

Wildlife and bird nesting and breeding habitat as well as unique plant distributions or populations are protected and must be considered. Disruption or loss may require mitigation. The eucalyptus trees along Sonoma Mountain Road have the potential to support raptor nesting.

No nesting raptors were observed within the study area. We found no unique animal or plant populations associated with the project.

D. POTENTIAL BIOLOGICAL IMPACTS

The project footprint is within a developed landscape or routinely disturbed agricultural lands, and as such will not significantly contribute to habitat loss or habitat fragmentation.

D.1 Analysis of Potential Impacts to Special-status Species

The habitat impacted by the proposed project is such that there is little reason to expect impacts to special-status species on-site or off-site. Any potential off-site impacts will be less than significant with the use of standard erosion control measures and construction best management practices.

There is no reason to expect any significant negative impacts to special-status species, or locally significant biological resources by the proposed project.

D.2 Analysis of Potential Impacts on Sensitive Habitat

The sensitive habitat types identified in the DFW CNDDDB are not present or associated with the property.

The primary concern is the avoidance and protection of the riparian corridor and seasonal drainage on the east side of the property, which is a local biological resource. Construction equipment or grading underneath the canopy of trees has the potential to damage or kill the tree.

The 30-foot buffer zone setback and installation of construction fencing along the drip line during the construction phase of the project will protect this resource.

The project will not significantly impact any nesting or breeding habitats for wildlife in the area if recommendations stated below are followed. The project will not impact any potential seasonal wetlands, riparian habitat, or vernal pools.

D.3 Potential Off-site Impacts

There will be no significant off-site impacts to biological resources that are known for the region. Any off-site impacts will be less than significant provided best management and erosion control practices are followed.

D.4 Potential Cumulative Impacts

On a local or regional scale it is anticipated that any cumulative effects will be negligible or unquantifiable. The project footprint is within previously disturbed sites, and will not significantly contribute to habitat loss or habitat fragmentation. There is no reason to expect any species exclusion, isolation or extinction. There are no potential significant impacts to migratory corridors or wildlife nursery sites associated with the proposed project.

E. RECOMMENDATIONS TO AVOID IMPACTS

E.1 Significance

The significance of potential impacts is a function of the scope and scale of the proposed project within the existing Federal, State and Local regulations and management practices. The determination of significance of impacts to biological resources consists of an understanding of the project as proposed and an evaluation of the context in which the impact may occur. The extent and degree of any impact on-site or off-site must be evaluated consistent with known or expected site conditions. Therefore, the significance of potential impacts is assessed relevant to a site-specific scale and the larger regional context.

The project's effect on onsite or regional biological resources is considered to be significant if the project results in:

- Alteration of unique characteristics of the area, such as sensitive plant communities and habitats (i.e. serpentine habitat, wetlands, riparian habitat);
- Adverse impacts to special-status plant and animal species;
- Adverse impacts to important or vulnerable resources as determined by scientific opinion or resource agency concerns (i.e. sensitive biotic communities, special status habitats; e.g. wetlands);
- Loss of critical breeding, feeding or roosting habitat; and
- Interference with migratory routes or habitat connectivity.

E.2 Recommendations

All project construction activities must be limited to the project footprint. Best Management Practices including silt and erosion control measures must be implemented to prevent off-site movement of sediment and dust during and post construction.

Construction fencing should be considered for installation along the edge of the new winery access road adjacent to the drainage along the buffer zone. No construction should be allowed under the canopy of the riparian zone adjacent to the proposed project. Construction fencing will ensure that no construction equipment, fill, staging or storage occurs in this area.

Project construction has the potential for disturbing raptors during breeding/bird nesting season (March 1 through July 31). A pre-construction survey of potential nesting raptor habitat within 500 feet of earthmoving activities should be conducted is construction begins during this time. Surveys should be conducted within 14 days prior to groundbreaking activities associated with road construction. If active nests are found during preconstruction surveys the project applicant should consult with the California Department of Fish and Game and obtain approval for appropriate buffers or delay construction until it is determined that all young have fledged.

F. SUMMARY

Our floristic survey did not identify any evidence for or reason to believe that special-status species known for the Quadrangle, surrounding Quadrangles, the property, or the region would be impacted by the project. The proposed project site does not contain vegetation associates, habitat or edaphic conditions, which would support special-status species.

We find that the project will not 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 Wildlife or US Fish and Wildlife Service.

With the project avoiding any construction or grading beneath the canopy of the riparian vegetation along the drainage on the east side of the project, we find that the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS.

We find that the project will not ^{have} a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means.

We find that the project will not 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. The project site does not contain any unique habitat, or unique plant or animal populations.

We find that the project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances.

We conclude that the proposed project with the implementation of Best Management Practices and recommendations presented above will not result in any potentially significant adverse biological impacts to the environment on site or off site.

Should you have any questions, please do not hesitate to contact us at:

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G. LITERATURE CITED / REFERENCES

G.1 Literature Cited / References

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G.2 Names and Qualifications of Field Investigators.

Chris K. Kjeldsen, Ph.D., Botany, Oregon State University, Corvallis, Oregon. He has over thirty-five 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, DFW Habitat Assessments, DFW SB 34 Mitigation projects, COE 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 1601-1603 permitting, and consulting on various projects. A full resume is available upon request. He has a valid DFW 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, DFW 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.

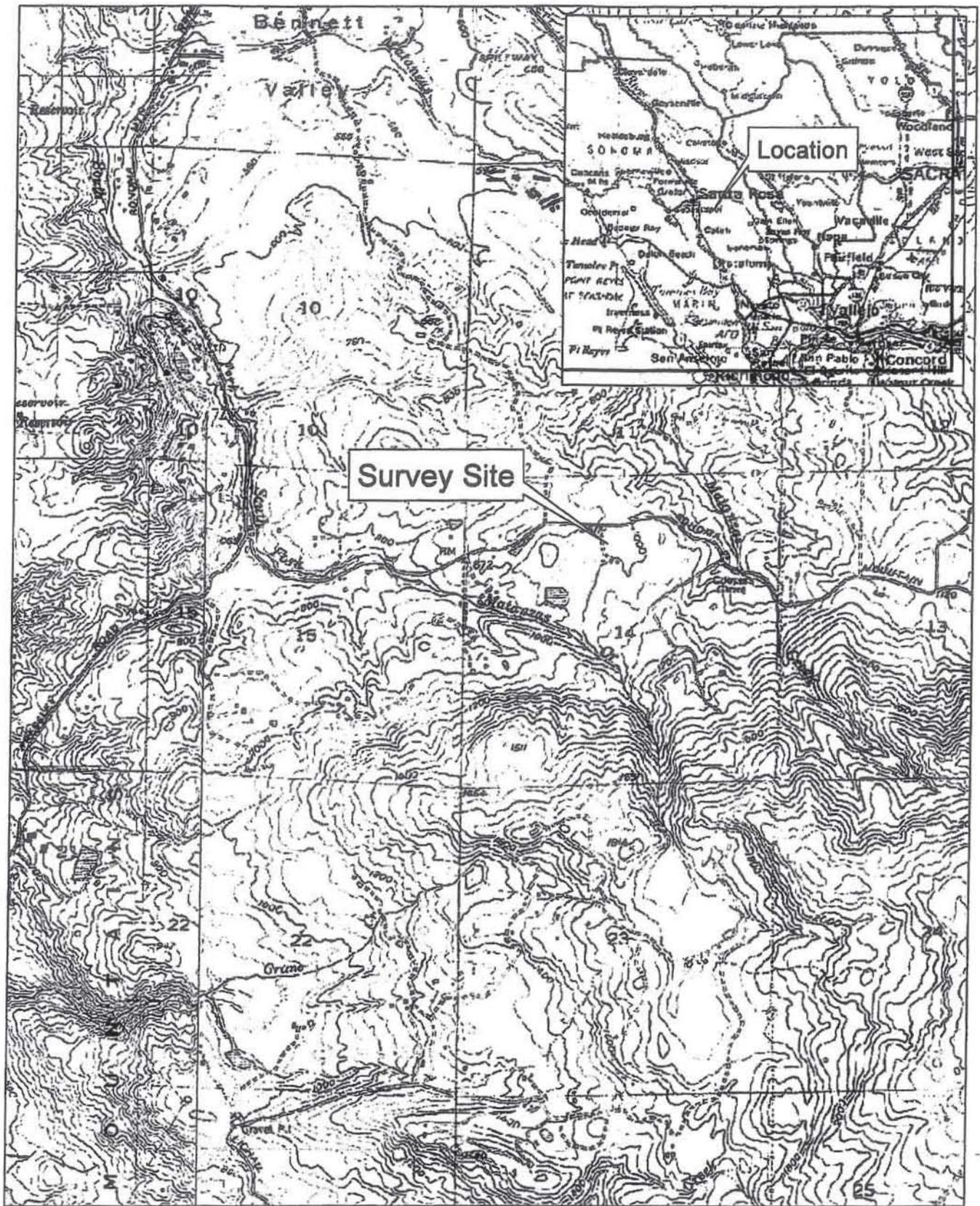


Plate I. Site / Location Map

(Glen Ellen Quadrangle)



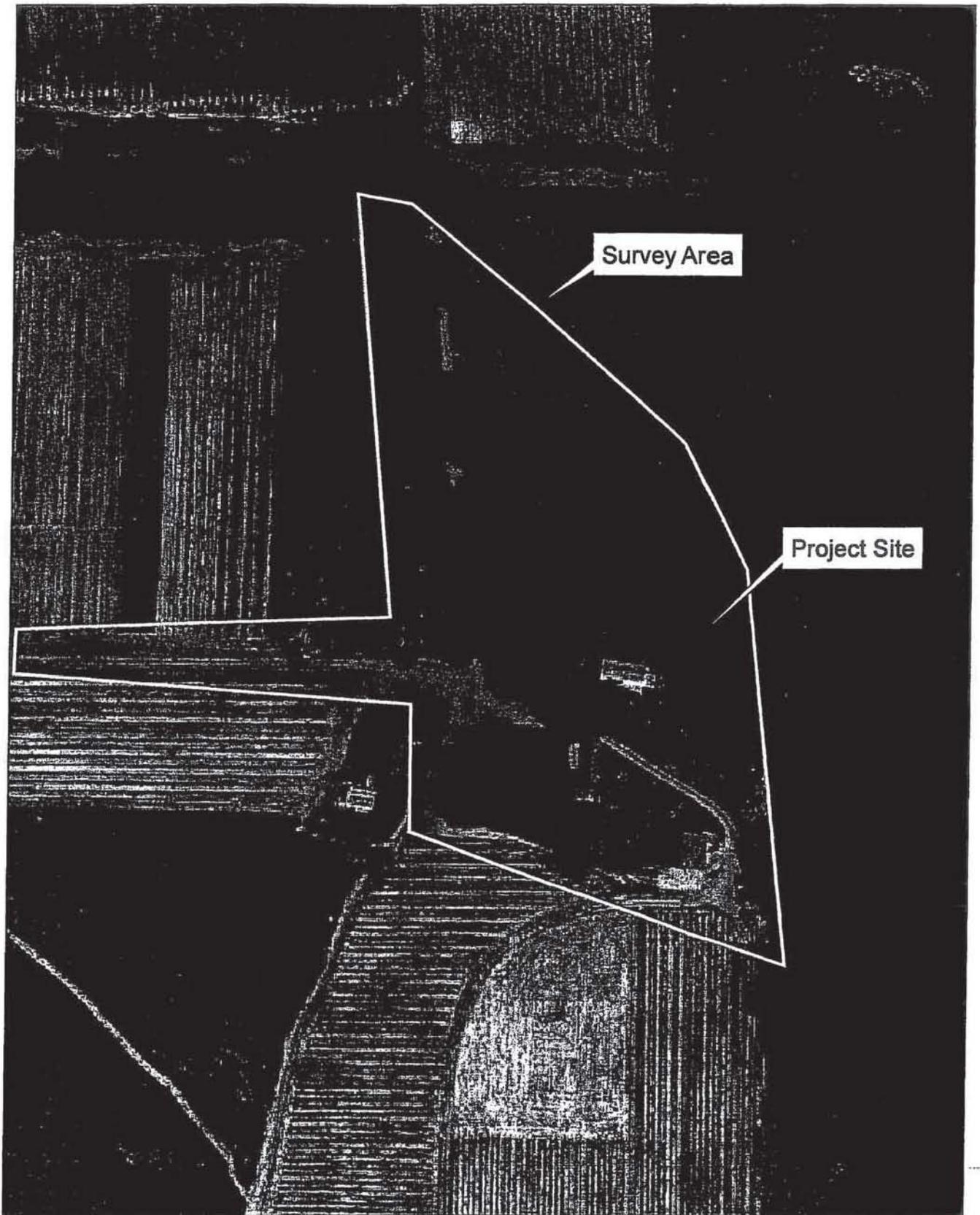


Plate III. Aerial Photo

1

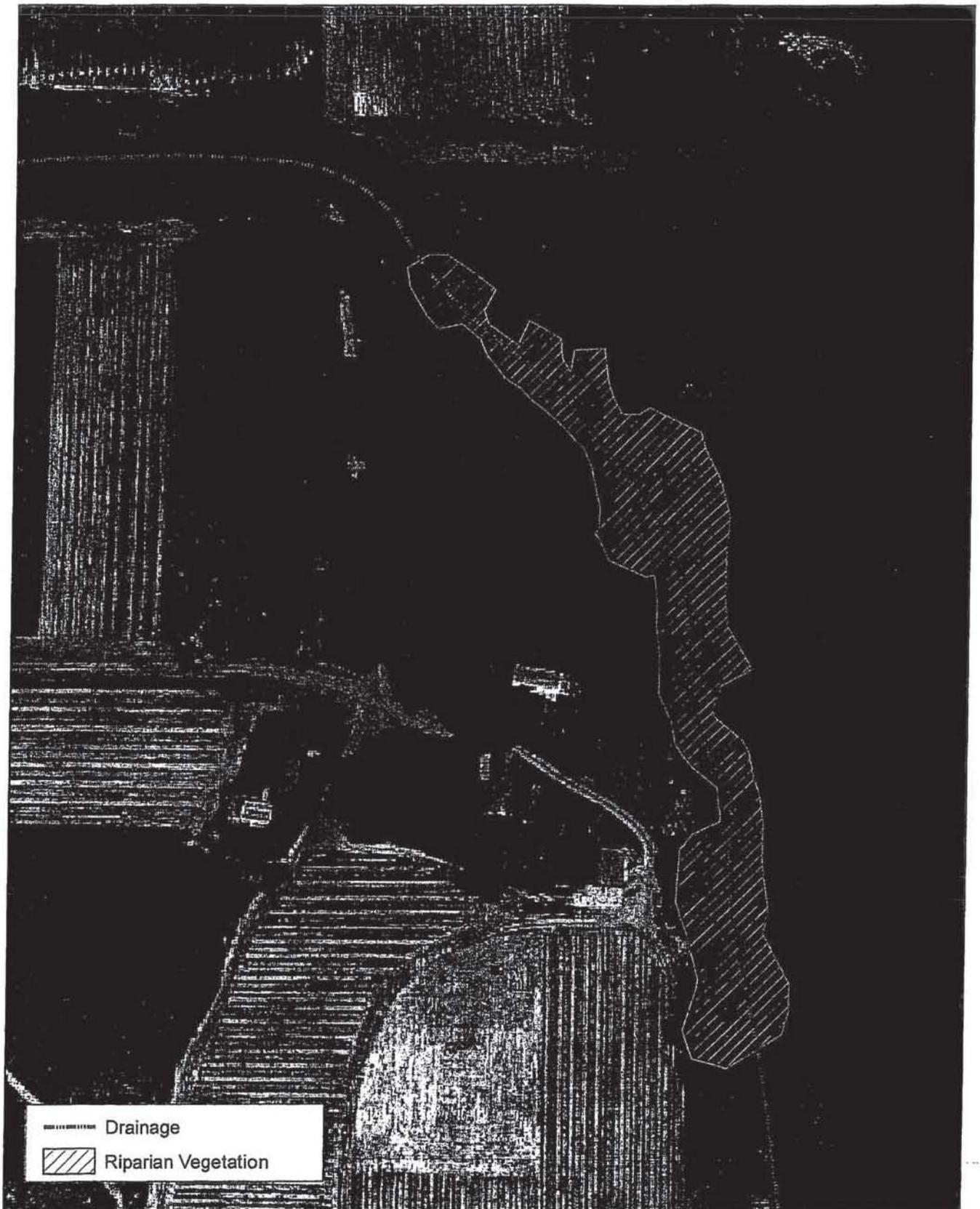


Plate IV. Biological Resources Map

1

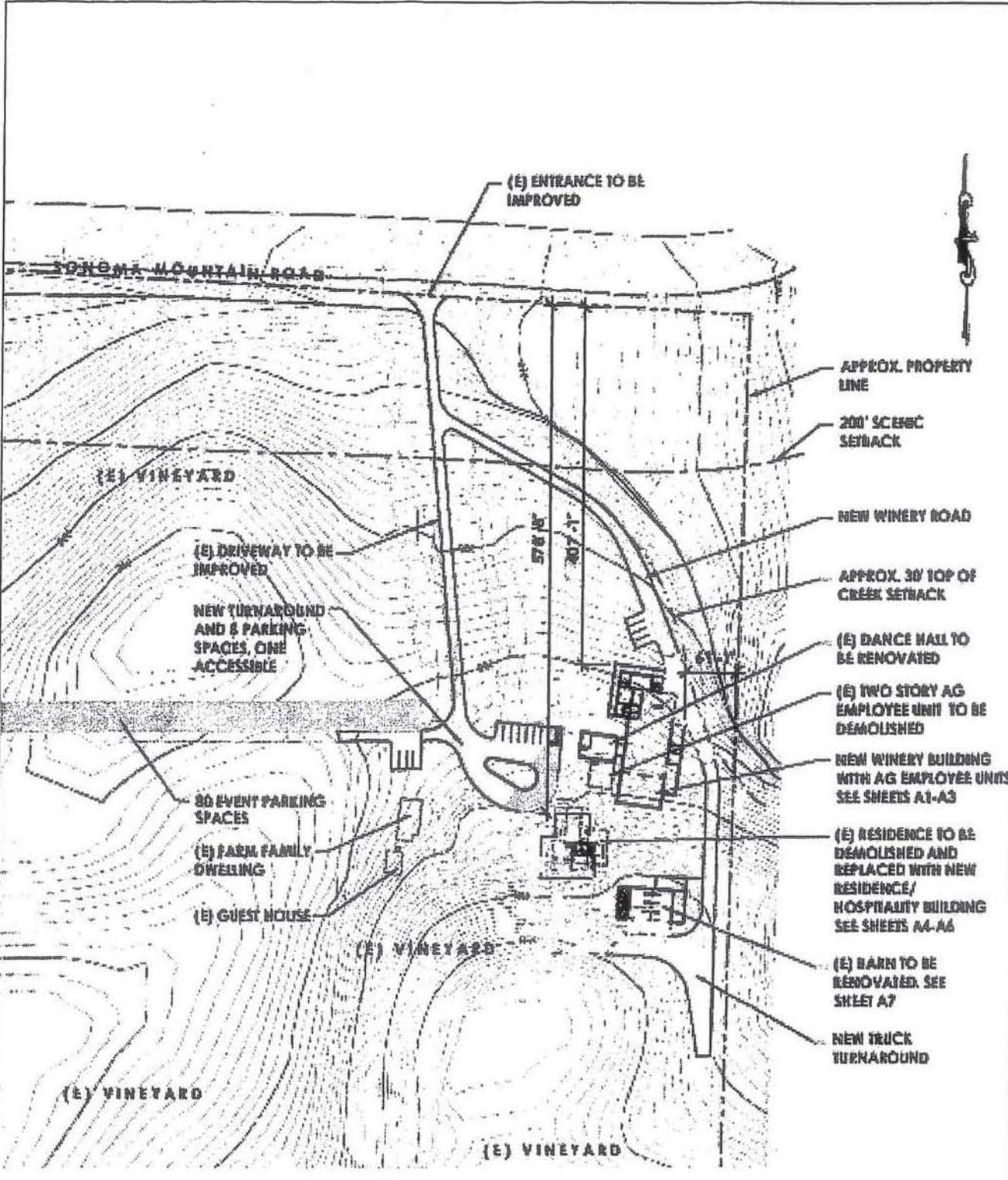


Plate V. Project Site Map

APPENDIX A
FLORA AND FAUNA

Plant Species Observed in the Vicinity of the Project Site

(Landscape plantings are not included unless they appear to have become naturalized and regenerating on site)

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; Arora - 1985, for the fungi; S Norris and Shevrock - 2004, for the mosses; Doyle and Stotler - 2006 for liverworts and hornworts and Hickman-1993, 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
	Common Name	Abundance

NCN = No Common Name, * = Non-native, @ = Voucher Specimen

FUNGI

Basidiomycota- Club Fungi

POLYPORACEAE

<i>Schizophyllum commune</i>	On Dead Wood	Common
Split-gill		
<i>Trametes versicolor</i>	On Dead Wood	Common
Turkey Tail		

MOSSES

MINACEAE

<i>Alsia californica</i> (W.J. Hooker & Arnott)	Sullivant Coastal Forests	On Trees	Common
NCN			
<i>Dendroalsia abietina</i> (Hook.) Brit.	On Trees		Common
NCN			
<i>Funaria hygrometrica</i> Hedw.	Ruderal, Burned Areas		Common
NCN			
<i>Hedwigia stellata</i> Hedenas	Grasslands on Rocks		Common
NCN			
<i>Homalothecium nuttallii</i> (Wilson) Jaeger	Epiphytic on Trees		Common
NCN			
<i>Orthotrichum lyellii</i> Hook & Tayl.	Trees, Upper Canopy		Common
NCN			
<i>Scleropodium touretii</i> (Brid.) L. Koch.	On Tree Trunks		Common
NCN			

MAJOR PLANT GROUP

Family

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

LICHENS**FOLIOSE**

<i>Flavoparmelia caperata</i> (L.) Hale	On Trees	Common
NCN		
<i>Flavopunctilia flaventor</i> (Stirt.) Hale	On Trees	Common
NCN		
<i>Parmotrema perlatum</i> (Osbeck) Hale & Ahti= <i>P. chinense</i>	On Trees	Common
NCN		
<i>Phaeophysica decolor</i> (Kashiw.) Essl.	On Rocks	Common
NCN		
<i>Physcia adscendens</i> (Fr.) H. Olivier	On Trees	Common
NCN		
<i>Xanthoparmelia cumberlandia</i> (Gyeln.) Hale	On Rocks	Common
NCN		
<i>Xanthoparmelia mexicana</i> (Gyeln.) Hale	On Rocks	Common
NCN		

FRUTICOSE

<i>Cladonia</i> ssp.	On Soil	Common
NCN		
<i>Cladonia fimbriata</i> (L.) Fr.	On Soil	Occasional
Pixie Cups		
<i>Evernia prunastri</i> (L.) Ach.	On Trees	Common
NCN		
<i>Ramalina farinacea</i> (L.) Ach.	On Trees	Common
NCN		
<i>Usnea intermedia</i> = <i>U. arizonica</i>	On Trees	Common
NCN		

CRUSTOSE

<i>Caloplaca bolacina</i> (Tuck.) Herre	On Rocks	Common
NCN		
<i>Leicidia atrobrunnea</i> (Ramond ex Lam. & DC.) Schaer.	On Rocks	Common
NCN		
<i>Leicidia tessellata</i> Flörke	On Rocks With Rings of Apothecia	Common
NCN		
<i>Ochrolechia organensis</i> H. Magn.	On Bark	Common
NCN		
<i>Pertusaria californica</i> Dibben	On Trees	Common
NCN		
<i>Thelomma californicum</i> (Tuck.) Tibell	On Fence Posts	Common
Lobed Nipple Lichen		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
Common Name			

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	<i>Calandrinia ciliata</i> Ruiz & Pav. DC.	Grasslands	Common
	Red Maids		
	<i>Claytonia perfoliata</i> Willd. ssp. <i>perfoliata</i>	Woodlands, Riparian	Common
	Miners Lettuce		
MYRSINACEAE	Myrsinaceae Family		
	* <i>Anagallis arvensis</i> L.	Ruderal	Common
	Scarlet Pimpernel		
ONAGRACEAE	Evening-primrose Family		
	<i>Clarkia purpurea</i> (Curtis) Nels. & Macbr. subsp. <i>viminea</i>	Grasslands	Common
	NCN		
	<i>Epilobium brachycarpum</i> C. Presl	Ruderal Dry Areas	Common
	Willow Herb		
OXILIDACEAE	Oxalis Family		
	* <i>Oxalis pes-caprae</i> L.	Ruderal	Common
	Bermuda Buttercup		
PAPAVERACEAE	Poppy Family		
	<i>Eschscholzia californica</i> Cahm.	Grasslands	Common
	California Poppy		
PLANTAGINACEAE	Plantain Family		
	* <i>Plantago lanceolata</i> L.	Ruderal	Common
	English Plantain		
POLYGONACEAE	Buckwheat Family		
	* <i>Polygonum agyrocoleon</i> Kunze	Ruderal Wet Ground	Occasional
	Persian Wireweed		
	* <i>Rumex acetosella</i> L.	Ruderal	Common
	Sheep Sorrel		
	* <i>Rumex crispus</i> L.	Ruderal	Common
	Curly Dock		
RUBIACEAE	Madder Family		
	<i>Galium aparine</i> L.	Riparian, Ruderal	Common
	Goose Grass		
URTICACEAE			
	<i>Urtica dioica</i> L. subsp. <i>holosericea</i>	Riparian	Common
	Stinging Nettle		
VISCAACEAE	Mistletoe Family		
	<i>Phoradendron serotinum</i> (Raf.) Johnst. subsp. <i>tomentosum</i>	Riparian	Common
	Oak Mistletoe		

<u>MAJOR PLANT GROUP</u>		
Family		
Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @ = Voucher Specimen

VASCULAR PLANTS FERNS

AZOLLACEAE

Azolla microphylla Kaulf Aquatic Common
Mexican Mosquito Fern, Duckweed Fern

DRYOPTERIDACEAE

Dryopteris arguta (Kaulf.) Maxon Riparian Common
Coastal Wood Fern

PTERIDACEAE

Pentagramma triangularis (Kaulf.) G. Yatsk. subsp. *triangularis* Riparian Common
Goldback Fern

WOODSIACEAE

Athyrium filix-femina (L.) Roth Riparian Common
Western Lady Fern

VASCULAR PLANTS DIVISION CONIFEROPHYTA--GYMNOSPERMS

CUPRESSACEAE

Hesperocyparis macrocarpa (Hartw.) Bartel Domestic Introduction Occasional
Monterey Cypress

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE- TREES

MAGNOLIIDS

LAURACEAE

Umbellularia californica (Hook. & Arn.) Nutt. Riparian Occasional
California Laurel, Sweet Bay, Pepperwood, California Bay

EUDICOTS

BETULACEAE Birch Family

Alnus rhombifolia Nutt. Riparian Common
White Alder

FABACEAE Legume Family

**Acacia melanoxylon* R. Br. Escape Occasional
Black Wood Acacia

FAGACEAE Oak Family

**Castanea dentata* Borkh. Domestic Common
Chestnut

Quercus agrifolia Nee Riparian Common
Live Oak

Quercus garryana Hook. Riparian Common
Oregon Oak

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
Common Name			

NCN = No Common Name, * = Non-native, @= Voucher Specimen

ASTERACEAE (Compositae) Sunflower Family

<i>Achillea millefolium</i> L.	Ruderal	Common
Yarrow		
* <i>Anthemis cotula</i> L.	Ruderal	Common
Mayweed, Stinkweed, Dog-fennel		
* <i>Carduus pycnocephalus</i> L. subsp. <i>pycnocephalus</i>	Grasslands	Common
Italian Thistle		
* <i>Centaurea solstitialis</i> L.	Grasslands, Ruderal	Common
Yellow Star Thistle		
* <i>Cirsium vulgare</i> (Savi) Ten.	Grasslands, Ruderal	Common
Bull Thistle		
* <i>Helminthotheca echioides</i> (L.) Holub	Ruderal	Common
Ox-tongue (= <i>Picris echioides</i>)		
* <i>Hypochaeris glabra</i> L.	Ruderal	Common
Cat's Ear		
* <i>Hypochaeris radicata</i> L.	Ruderal	Common
Harry Cat's Ear		
* <i>Lactuca serriola</i> L.	Ruderal	Occasional
Prickly Lettuce		
* <i>Matricaria discoidea</i> DC.	Ruderal	Common
Pineapple Weed, Rayless Chamomile = <i>Chamomilla suaveolens</i>)		
* <i>Senecio vulgaris</i> L.	Ruderal	Occasional
NCN		
* <i>Silybum marianum</i> (L.) Gaertn.	Ruderal	Common
Milk Thistle		
* <i>Sonchus asper</i> (L.) Hill var. <i>asper</i>	Ruderal	Common
Prickly Sow Thistle		
* <i>Sonchus oleraceus</i> L.	Ruderal	Common
Common Sow Thistle		
* <i>Taraxacum officinale</i> F.H.Wigg	Ruderal	Common
Dandelion		

BRASSICACEAE Mustard Family

* <i>Brassica nigra</i> (L.) Koch	Ruderal	Common
Black Mustard		
* <i>Capsella bursa-pastoris</i> L.	Ruderal	Common
Shepherd's Purse		
* <i>Cardamine hirsuta</i> L.	Ruderal	Common
Bitter-cress		
<i>Cardamine oligosperma</i> Nutt.	Ruderal	Common
Bitter-cress		

<u>MAJOR PLANT GROUP</u>			
Family	Genus	Habitat Type	Abundance
	Common Name		

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JUNACEAE

<i>Juncus effusus</i> L. <i>pacificus</i> Rush	Seeps, Shorelines, Marshes	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	Common
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AMARYLLIDACEAE Amaryllis Family

<i>Narcissus pseudonarcissus</i> L. Daffodil	Ruderal, Escape	Occasional
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IRIDACEAE Iris Family

<i>Iris douglasiana</i> Herb. Iris	Open Grassland, Meadows	Common
* <i>Iris pseudoacoris</i> L. Yellow Iris	Riparian	Common

MAMMALS**ORDER**

Common Name	Genus	Observed
CARNIVORA Coyote	<i>Canis latrans</i>	Scat
CERVIDAE Black-tailed Deer	<i>Odocoileus hemionus</i>	Sight
RODENTIA Pocket Gopher	<i>Thomomys bottae</i>	Sight

MAJOR PLANT GROUP		
Family	Genus	Habitat Type
	Common Name	Abundance

NCN = No Common Name, * = Non-native, @= Voucher Specimen

	<i>Quercus kelloggii</i> Newb. Black Oak	Riparian	Common
	<i>Quercus lobata</i> Nee. Valley Oak	Riparian	Common
JUGLANDACEAE	Walnut Family		
	* <i>Juglans nigra</i> L. Black Walnut	Ruderal Escape	Common
MORACEAE	Mulberry Family		
	* <i>Ficus carica</i> L. Fig	Ruderal Escape	Occasional
MYRTACEAE	Myrtle family		
	* <i>Eucalyptus globulus</i> Labill Blue Gum	Ruderal Escape	Occasional
OLEACEAE	Olive Family		
	* <i>Ligustrum</i> ssp. Privet	Domestic Ruderal	Occasional
	* <i>Olea europaea</i> L. Olive	Domestic Ruderal	Occasional
ROSACEAE	Rose Family		
	* <i>Malus sylvestris</i> Mill. Apple	Escape	Occasional
	* <i>Prunus domestica</i> L. Prune	Escape, Ruderal	Occasional
	* <i>Prunus cerasifera</i> Ehrh. Cherry Plum	Escape, Ruderal	Occasional
	* <i>Pyrus communis</i> (L.) Pear	Escape or Domestic	Occasional
SALICACEAE	Willow Family		
	<i>Salix laevigata</i> Bebb. Red Willow	Riparian	Common

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--DICOTYLEDONAE-SHRUBS AND WOODY VINES

EUDICOTS

ANACARDIACEAE	Sumac Family		
	<i>Toxicodendron diversilobum</i> (Torry&Gray) Poison Oak	E.Green Riparian	Common
APOCYANACEAE	Dogbane Family		
	* <i>Nerium oleander</i> L. Oleander	Domestic Introduction	Common

MAJOR PLANT GROUP**Family**

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @ = Voucher Specimen

* <i>Vinca major</i> L. Periwinkle	Riparian, Ruderal	Common
ARALIACEAE Ginseng Family		
* <i>Hedra helix</i> L. English Ivy	Ruderal	Occasional
ASTERACEAE (Compositae) Sunflower Family		
<i>Baccharis pilularis</i> deCandolle Coyote Brush	Grasslands	Common
CAPRIFOLIACEAE Honeysuckle Family		
* <i>Lonicera japonica</i> Murray Japanese Honeysuckle	Escape, Shrub/Scrub	Occasional
<i>Symphoricarpos albus</i> (L.) SF Blake var. <i>laevigatus</i> Snowberry	Riparian	Common
LAMIACEAE Mint Family		
* <i>Lavandula staechas</i> L. Lavender	Roadside Wafe	Occasional
* <i>Rosmarinus officinalis</i> L. Rosemary	Domestic Introduction	Occasional
OLEACEAE Olive Family		
* <i>Ligustrum</i> ssp. Privet	Domestic Escape	Occasional
* <i>Syringa</i> ssp. Lilac	Domestic Escape	Occasional
ROSACEAE Rose Family		
* <i>Cotoneaster pannosus</i> Franchet. Cotoneaster	Ruderal	Common
<i>Heteromeles arbutifolia</i> (Lind.) M. Rome. Christmas Berry, Toyon	Edge of Riparian	Common
* <i>Rubus armeniacus</i> Focke Himalayan Blackberry	Ruderal	Common

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--DICOTYLEDONAE-HERBS**

APIACEAE (Umbelliferae) Carrot Family

* <i>Dacus carota</i> L. Wild Carrot, Queen Anne's Lace	Ruderal Grasslands	Common
* <i>Foeniculum vulgare</i> Mill. Fennel	Ruderal	Common

MAJOR PLANT GROUP

Family

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

ASTERACEAE (Compositae) Sunflower Family

<i>Achillea millefolium</i> L.	Ruderal	Common
Yarrow		
* <i>Anthemis cotula</i> L.	Ruderal	Common
Mayweed, Stinkweed, Dog-fennel		
* <i>Carduus pycnocephalus</i> L.subsp. <i>pycnocephalus</i>	Grasslands	Common
Italian Thistle		
* <i>Centaurea solstitialis</i> L.	Grasslands, Ruderal	Common
Yellow Star Thistle		
* <i>Cirsium vulgare</i> (Savi) Ten.	Grasslands, Ruderal	Common
Bull Thistle		
* <i>Helminthotheca echiioides</i> (L.) Holub	Ruderal	Common
Ox-tongue (= <i>Picris echiioides</i>)		
* <i>Hypochaeris glabra</i> L.	Ruderal	Common
Cat's Ear		
* <i>Hypochaeris radicata</i> L.	Ruderal	Common
Harry Cat's Ear		
* <i>Lactuca serriola</i> L.	Ruderal	Occasional
Prickly Lettuce		
* <i>Matricaria discoidea</i> DC.	Ruderal	Common
Pineapple Weed, Rayless Chamomile = <i>Chamomilla suaveolens</i>)		
* <i>Senecio vulgaris</i> L.	Ruderal	Occasional
NCN		
* <i>Silybum marianum</i> (L.) Gaertn.	Ruderal	Common
Milk Thistle		
* <i>Sonchus asper</i> (L.) Hill var. <i>asper</i>	Ruderal	Common
Prickly Sow Thistle		
* <i>Sonchus oleraceus</i> L.	Ruderal	Common
Common Sow Thistle		
* <i>Taraxacum officinale</i> F.H.Wigg	Ruderal	Common
Dandelion		

BRASSICACEAE Mustard Family

* <i>Brassica nigra</i> (L.) Koch	Ruderal	Common
Black Mustard		
* <i>Capsella bursa-pastoris</i> L.	Ruderal	Common
Shepherd's Purse		
* <i>Cardamine hirsuta</i> L.	Ruderal	Common
Bitter-cress		
<i>Cardamine oligosperma</i> Nutt.	Ruderal	Common
Bitter-cress		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
Common Name			

NCN = No Common Name, * = Non-native, @ = Voucher Specimen

	<i>*Hirschfeldia incana</i> (L.) Lagr.-Fossat	Ruderal	Common
	Summer Mustard		
	<i>*Raphanus sativus</i> L.	Ruderal	Common
	Wild Radish		
EUPHORBIACEAE	Spurge Family		
	<i>Croton setigerus</i> Hook.	Ruderal	Common
	Turkey Mullein, Dove Weed (= <i>Eremocarpus setigerus</i>)		
FABACEAE (Leguminosae)	Legum Family		
	<i>Acemison micranthus</i> (Torr.&A. Gray)	Grasslands, Ruderal	Common
	Small Flowered Lotus (= <i>Lotus micranthus</i>)		
	<i>*Lathyrus odoratus</i> L.	Ruderal Escape	Occasional
	Sweet Pea		
	<i>*Lotus corniculatus</i> L.	Grasslands, Ruderal	Common
	Birdfoot Trefoil		
	<i>*Medicago arabica</i> (L.) Huds	Ruderal	Common
	Spotted Bur Clover		
	<i>*Trifolium hirtum</i> All.	Ruderal	Common
	Rose Clover		
	<i>Vicia americana</i> Wild. subsp. <i>americana</i>	Grassland	Common
	American Vetch		
	<i>*Vicia faba</i> L.	Ruderal	Common
	Broad Bean, Faba Bean		
	<i>*Vicia sativa</i> L. subsp. <i>nigra</i>	Grasslands, Ruderal	Common
	Narrow Leaved-vetch		
	<i>*Vicia villosa</i> Roth. subsp. <i>varia</i>	Ruderal	Common
	Hairy Vetch, Winter Vetch, Lana Vetch		
GERANIACEAE	Geranium Family		
	<i>*Erodium botrys</i> (Cav.) Bertol.	Grasslands	Common
	Broadleaf Filaree, Long-beaked Filaree		
	<i>*Geranium dissectum</i> L.	Grasslands	Common
	Common Geranium		
	<i>*Geranium molle</i> L.	Grasslands	Common
	Dove's Foot Geranium		
LAMIACEAE (Labiatae)	Mint Family		
	<i>Stachys ajugoides</i> Benth.	Moist Open Places	Occasional
	Hedge-nettle		
MALVACEAE	Mallow Family		
	<i>*Malva parviflora</i> L.	Ruderal	Common
	Cheeseweed, Mallow		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
Common Name			

NCN = No Common Name, * = Non-native, @= Voucher Specimen

	<i>Calandrinia ciliata</i> Ruiz& Pav. DC.	Grasslands	Common
	Red Maids		
	<i>Claytonia perfoliata</i> Willd. ssp. <i>perfoliata</i>	Woodlands, Riparian	Common
	Miners Lettuce		
MYRSINACEAE	Myrsinaceae Family		
	* <i>Anagallis arvensis</i> L.	Ruderal	Common
	Scarlet Pimpernel		
ONAGRACEAE	Evening-primrose Family		
	<i>Clarkia purpurea</i> (Curtis) Nels.&Macbr. subsp. <i>viminea</i>	Grasslands	Common
	NCN		
	<i>Epilobium brachycarpum</i> C.Presl	Ruderal Dry Areas	Common
	Willow Herb		
OXILIDACEAE	Oxalis Family		
	* <i>Oxalis pes-caprae</i> L.	Ruderal	Common
	Bermuda Buttercup		
PAPAVERACEAE	Poppy Family		
	<i>Eschscholzia californica</i> Cahm.	Grasslands	Common
	California Poppy		
PLANTAGINACEAE	Plantain Family		
	* <i>Plantago lanceolata</i> L.	Ruderal	Common
	English Plantain		
POLYGONACEAE	Buckwheat Family		
	* <i>Polygonum agyrocoleon</i> Kunze	Ruderal Wet Ground	Occasional
	Persian Wireweed		
	* <i>Rumex acetosella</i> L.	Ruderal	Common
	Sheep Sorrel		
	* <i>Rumex crispus</i> L.	Ruderal	Common
	Curly Dock		
RUBIACEAE	Madder Family		
	<i>Galium aparine</i> L.	Riparian, Ruderal	Common
	Goose Grass		
URTICACEAE			
	<i>Urtica dioica</i> L. subsp. <i>holosericea</i>	Riparian	Common
	Stinging Nettle		
VISCACEAE	Mistletoe Family		
	<i>Phoradendron serotinum</i> (Raf.) Johnst. subsp. <i>tomentosum</i>	Riparian	Common
	Oak Mistletoe		

MAJOR PLANT GROUP		
Family		
Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--MONOCOTYLEDONAE-GRASSES

POACEAE Grass Family

* <i>Avena fatua</i> L. Wild Oat	Grasslands	Common
* <i>Bromus diandrus</i> Roth Rippgut Grass	Ruderal, Grasslands	Common
* <i>Bromus hordeaceus</i> L. Soft Chess, Blando Brome	Grasslands	Common
* <i>Cynosurus echinatus</i> L. Hedgehog, Dogtail	Ruderal	Common
* <i>Dactylis glomerata</i> L. Orchard Grass	Grasslands	Occasional
* <i>Festuca bromoides</i> L. Six-weeks Fescue (= <i>Vulpia bromoides</i>)	Ruderal, Moist Flats become Dry	Common
<i>Festuca microstachys</i> Nutt. NCN (= <i>Vulpia microstachys</i>)	Grasslands, Ruderal	Common
* <i>Festuca myuros</i> L. Rattail Fescue, Zorro Annual Fescue (= <i>Vulpia myuros</i>)	Grasslands	Common
* <i>Festuca perennis</i> (L.) Columubus & Sm. Perennial Rye Grass (= <i>Lolium multiflorum</i> , <i>L. perenne</i>)	Grasslands	Common
* <i>Holcus lanatus</i> L. Velvet Grass	Grasslands, Ruderal	Common
<i>Hordeum brachyantherum</i> Nevski subsp. <i>brachyantherum</i> Meadow Barley	Grasslands	Occasional
* <i>Phalaris aquatica</i> L. Harding Grass	Grasslands	Common
* <i>Poa annua</i> L. Annual Bluegrass	Grasslands	Common

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS

CLASS--MONOCOTYLEDONAE-SEDGES AND RUSHES

CYPERACEAE Sedge Family

@ <i>Caryx praegracilis</i> Boott Black Creeper or Freway Sedge, Clustered Sedge	Moist areas	Occasional
<i>Eleocharis macrostachya</i> Britton Spike Rush	Riparian, Aquatic	Common
<i>Schoenoplectus californicus</i> (Mey.) Sojak Southernbull Rush, California Tule (= <i>Scirpus</i>)	Palustrine	Occasional

MAJOR PLANT GROUP**Family**

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @= Voucher Specimen

JUNCACEAE

<i>Juncus effusus</i> L. <i>pacificus</i>	Seeps, Shorelines, Marshes	Common
Rush		

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--MONOCOTYLEDONAE-HERBS****AGAVACEAE Centuray Plant Family**

<i>Chlorogalum pomeridianum</i> (DC.) Kunth var. <i>pomeridianum</i>	Woodlands, Grasslands	
Soap Plant		Common

AMARYLLIDACEAE Amaryllis Family

<i>Narcissus pseudonarcissus</i> L.	Ruderal, Escape	Occasional
Daffodil		

IRIDACEAE Iris Family

<i>Iris douglasiana</i> Herb.	Open Grassland, Meadows	Common
Iris		
* <i>Iris pseudoacoris</i> L.	Riparian	Common
Yellow Iris		

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		
Bullfrog	<i>Rana catesbeiana</i>	X
SQUAMATA		
Western Fence Lizard	<i>Sceloporus occidentalis</i>	X

AVES

ORDER

Common Name	Genus	Observed
AVES		
Acorn Woodpecker	<i>Melanerpes formicivorus</i>	
American Robin	<i>Turdus migratorius</i>	X
Anna's Hummingbird	<i>Calypte anna</i>	X
Bufflehead	<i>Bucephala albeola</i>	X
Black Phoebe	<i>Sayornis nigricans</i>	X
California Quail	<i>Callipepla californica</i>	X
Common Crow	<i>Corvus brachyrhynchos</i>	X
Canada Goose	<i>Branta canadensis</i>	X
European Starling	<i>Sturnus vulgaris</i>	X
Green-winged Teal	<i>Anas crecca</i>	X
Red-tailed Hawk	<i>Cathartes aura</i>	X
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	X
Scrub Jay	<i>Aphelocoma coerulescens</i>	X
Spotted Towhee	<i>Pipilo erythrophthalmus</i>	X
Wild Turkey	<i>Meleagris gallopavo</i>	X

MAMMALS**ORDER**

Common Name	Genus	Observed
CARNIVORA		
Coyote	<i>Canis latrans</i>	Scat
CERVIDAE		
Black-tailed Deer	<i>Odocoileus hemionus</i>	Sight
RODENTIA		
Pocket Gopher	<i>Thomomys bottae</i>	Sight

APPENDIX B

Definitions used in Report and Regulatory Requirements

Definitions (Not all are relevant to this project)

Absolute Cover. The percentage of ground covered by the vertical projection of the plant crowns of a species or defined set of plants as viewed from above. The absolute cover of herbaceous plants includes any standing (attached to a living plant, and not lying on the ground) plant parts, whether alive or dead; this definition excludes litter and other scattered plant material. The cover may include mosses, lichens and recognizable cryptogamic crusts.

Alliance. A classification unit of vegetation containing one or more associations and defined by one or more diagnostic species, often of high cover, in the uppermost layer or the layer with the highest canopy cover. Alliances reflect regional to subregional climates, substrates, hydrology and disturbance regimes.

Association. A vegetation classification unit defined by a diagnostic species, a characteristic range of species composition, physiognomy, and distinctive habitat conditions. Associations reflect local topo-edaphic climates, substrates, hydrology, and disturbance regimes.

Best Management Practices. Best management practices represent the construction or agricultural practices that are consistent with regulatory laws or industry standards which are prudent and consistent with site conditions.

Confidence Interval. The California Department of Fish and Game (DFW) California Natural Diversity Data Base (CNDDB) uses map polygon projections for indicating potential for occurrence of special-status plant populations around a recorded occurrence.

Critical Habitat. Critical habitat is by definition designated by U.S. Fish and Wildlife Service as essential for the existence of a particular population of species. The U.S. Fish and Wildlife Service designates critical habitat for special-status species as an area or region within which a species may be found. "Critical habitat" is defined as areas essential for the "conservation" of the species in question.

Dominance. The extent to which a species or growth form has a strong influence in a stand because of its size, abundance or cover.

Habitat Fragmentation. The issue of habitat fragmentation is of concern locally, nationally, and globally. The term habitat fragmentation refers to the loss of connections within the biosphere such that the movement, genetic exchange, and dispersal of native populations is restricted or prevented. Anthropogenic habitat fragmentation can be the result of a road construction, logging, agriculture, or urban growth. The practice of retaining or planning for "Corridors" is an attempt to address this

issue. Corridors that allow movement of wildlife through and around a site include stream and riparian areas and also areas that connect two or more sites of critical wildlife habitat.

Habitat Types. Habitat types are used by DFW to categorize elements of nature associated with the physical and biological conditions in an area. These are of particular importance for the wildlife they support, and they are important as indicators of the potential for special-status species.

Relative Cover. A measure of the cover of a species in relation to that of other species within a set area or sample of vegetation. This is usually calculated for species that occur in the same layer (stratum) of vegetation, and this measure can be calculated across a group of samples.

Riparian Corridor. Riparian corridors can be defined as the stream channel between the low-water and high-water marks plus the terrestrial landscape above the high water-mark (where vegetation may be influenced by elevated water tables or extreme flooding and by the ability of the soils to hold water; Naiman, et. al. 1993).

Riparian Corridor or Riparian Ecosystem. Riparian ecosystems occupy the ecotone between upland and lotic aquatic realms. Riparian corridors can be defined as the stream channel between the low- and high-water marks plus the terrestrial landscape above the high water-mark (where vegetation may be influenced by elevated water tables or extreme flooding and by the ability of the soils to hold water; Naiman, et. al. 1993).

Ruderal Habitat. Ruderal habitat is characterized by disturbance and the establishment and dominance of non-native introduced weed species. Ruderal plant communities are a function of or result of agricultural or logging practices. This habitat is typically found along graded roads, erosional surfaces or sites influenced by agricultural animal populations.

Sensitive Habitat. DFW Natural Diversity Data Base uses environmentally sensitive plant communities for plant populations that are rare or threatened in nature. Sensitive habitat is defined as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes. Sensitive Habitat also includes wetlands and tributaries to "Waters of the US" as defined by the Corps of Engineers (ACOE) and DFW seasonal streams DFW.

Serpentinite. Serpentinite or serpentine consists of ultramafic rock outcrops that due to the unique mineral composition support a unique flora often of endemics. Kruckeberg, 1984, indicates that the taxonomy and evolutionary responses to serpentines include "1) taxa endemic to serpentine, 2) local or regional indicator taxa, largely confined to serpentine in parts of their ranges, 3) indifferent or "bodenvag" taxa that range on and off serpentine, and 4) taxa that are excluded from serpentine." Serpentine outcrops or serpentinites support numerous special-status plant taxa.

Special-status Species. Special-status organisms are plants or animals that have been designated by Federal or State agencies as rare, endangered, or threatened. We have also included plant species listed by the CNPS as "target organisms." The target species for the Quadrangle are discussed below. Section 15380 of the California Environmental Quality Act [CEQA (September, 1983)] has a discussion regarding non-listed (State) taxa. This section states that a plant (or animal) must be treated as Rare or Endangered even if it is not officially listed as such. If a person (or organization) provides information showing that a taxa meets the State's definitions and criteria, then the taxa should be treated as such.

Standard Agricultural Practices. Standard agricultural practices are best management practices which are prudent as applied in the agricultural industry such as the use of regulated pesticides, methods of and timing of weed control, appropriate fertilizer application, irrigation management, frost protection, erosion control and soil conservation and management, and dust control among other practices.

Streams. The DFW definition of stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports wildlife, fish, or other aquatic life. This includes watercourses having a surface or subsurface flow that support or have supported riparian vegetation. DFW's jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife.

Target organisms. Special-status species that are listed by: the California Department of Fish and recorded in the Natural Diversity Data Base for the Quadrangle and surrounding Quadrangles of the project site; the California Native Plant Society for the habitat present on the project site Quadrangle and surrounding Quadrangles; Federal Endangered and Threatened Species that Occur in the U.S.G.S. 7 1/2 Minute Quadrangle; our experience with the local flora and fauna; any species identified by local individuals that are considered to be rare in the region; and DFW Five Mile radius CNDDDB Rarefind 3 search.

Wetlands. Wetlands are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Many surface waters and wetlands in California meet the criteria for waters of the United States, including intermittent streams and seasonal lakes and wetlands.

Waters of the U.S. The term "Waters of the United States" refers to all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters such as interstate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use degradation or destruction of which could affect interstate or foreign commerce including any such waters [among which include], all impediments of waters otherwise defined as waters of the United States under this definition.

Waters of the State. The term "Waters of the State" Section 13050 (e) of the California Water Code defines "waters of the State as " any surface water or groundwater, including saline waters, within the boundaries of the state."

Vernal Pools. Vernal pools are a type of seasonal wetland distinct for California and the western US. Typically they are associated with seasonal rainfall or "Mediterranean climate" and have a distinct flora and fauna, an impermeable or slowly permeable substrate and contain standing water for a portion of the year. They are characterized by a variable aquatic and dry regime with standing water during the spring plant growth regime. They have a high degree of endemism of flora and fauna.

Regulatory Permits

Federal Regulations

Federal Endangered Species Act Pursuant to the federal Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA), have authority over projects that may affect the continued existence of a species that is federally listed as threatened or endangered. Section 9 of ESA prohibits the take of a federally listed species; take is defined, in part, as killing, harming, or harassment and includes habitat modification or degradation where it actually results in death or injury to wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.

Section 404 of the Clean Water Act Section 404 of the Clean Water Act establishes a requirement to obtain a permit before any activity that involves any discharge of dredged or fill material into "waters of the United States," including wetlands. Waters of the United States include navigable waters of the United States, interstate waters, all other waters where the use or degradation or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries.

Army Corps of Engineers (ACOE) regulates and issues 404 permits for activities that involve the discharge of dredged or fill materials into waters of the United States. A Water Quality Certification 401 permit must also be obtain from the appropriate state agency stating that the fill is consistent with the state's water quality standards and criteria. In California, the authority to grant water quality certification is delegated by the State Water Board to the nine Regional Water Quality Control Boards (RWQCB).

State Regulations

California Endangered Species Act Pursuant to the California Endangered Species Act (CESA) and Section 2081 of the Fish and Game Code, a permit from Department of Fish and Game (DFW) is required for projects that could result in the take of a state listed threatened or endangered species. Under CESA, "take" is defined as an activity that would directly or indirectly kill an individual of a species, but the definition does not include "harm" or "harass," as the ESA does. As a result, the threshold for a take under CESA is higher than that under the ESA.

California Fish and Game Code Section 1600 – Lake and Streambed Alteration Permit. All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by DFW pursuant to Section 1600 of the California Fish and Game Code. Section 1600 states that it is unlawful for any person, government agency, state, local, or any public utility to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake or deposit or dispose of waste, debris, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake without first notifying DFW of such activity.

Porter-Cologne Water Quality Control Act Under the Porter-Cologne Water Quality Control Act, “waters of the state” fall under the jurisdiction of the RWQCB. Under the act, the RWQCB must prepare and periodically update water quality control basin plans. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control non-point and point sources of pollution to achieve and maintain these standards. Projects that affect wetlands or waters of the state must meet waste discharge requirements of the RWQCB, which may be issued in addition to a water quality certification or waiver under Section 401 of the Clean Water Act.

APPENDIX C.

**California Native Plant Society Inventory of Special-Status Plants for the
Quadrangle and Surrounding Quadrangles**

**DFW CNDDDB Rare Find \$ Special-status Species Listed for the Quadrangle and
Surrounding Quadrangles**

**California Wildlife Habitat Relationship System Species Summary Report by
Habitat Present**

Status: search results: Thu May 23 2013 15:10:10 EDT

Your Quad Selection: Glen Ellen (501D) 3812235, Petaluma River (484A) 3812225, Petaluma (484B) 3812226, Rutherford (500B) 3812244, Sonoma (500C) 3812234, Sears Point (483B) 3812224, Kenwood (501A) 3812245, Santa Rosa (501B) 3812246, Cotati (501C) 3812236

scientific	common	family	CNPS
<u>Allium peninsulare</u> var. <u>franciscanum</u> 📷	Franciscan onion	Alliaceae	List 1B.2
<u>Alopecurus aequalis</u> var. <u>sonomensis</u> 📷	Sonoma alopecurus	Poaceae	List 1B.1
<u>Amorpha californica</u> var. <u>napensis</u> 📷	Napa false indigo	Fabaceae	List 1B.2
<u>Amsinckia lunaris</u> 📷	bent-flowered fiddleneck	Boraginaceae	List 1B.2
<u>Arctostaphylos bakeri</u> ssp. <u>bakeri</u> 📷	Baker's manzanita	Ericaceae	List 1B.1
<u>Arctostaphylos canescens</u> ssp. <u>sonomensis</u> 📷	Sonoma canescent manzanita	Ericaceae	List 1B.2
<u>Arctostaphylos stanfordiana</u> ssp. <u>decumbens</u> 📷	Rincon Ridge manzanita	Ericaceae	List 1B.1
<u>Astragalus claranus</u> 📷	Clara Hunt's milk-vetch	Fabaceae	List 1B.1
<u>Astragalus tener</u> var. <u>tener</u> 📷	alkali milk-vetch	Fabaceae	List 1B.2
<u>Balsamorhiza macrolepis</u> 📷	big-scale balsamroot	Asteraceae	List 1B.2
<u>Blennosperma bakeri</u> 📷	Sonoma sunshine	Asteraceae	List 1B.1

<u><i>Brodiaea leptandra</i></u>	narrow-anthered brodiaea	Themidaceae	List 1B.2
<u><i>California macrophylla</i></u> 🌿	round-leaved filaree	Geraniaceae	List 1B.1
<u><i>Carex albida</i></u> 🌿	Sonoma white sedge	Cyperaceae	List 1B.1
<u><i>Ceanothus confusus</i></u> 🌿	Rincon Ridge ceanothus	Rhamnaceae	List 1B.1
<u><i>Ceanothus divergens</i></u> 🌿	Calistoga ceanothus	Rhamnaceae	List 1B.2
<u><i>Ceanothus purpureus</i></u> 🌿	holly-leaved ceanothus	Rhamnaceae	List 1B.2
<u><i>Ceanothus sonomensis</i></u> 🌿	Sonoma ceanothus	Rhamnaceae	List 1B.2
<u><i>Centromadia parryi</i> ssp. <i>parryi</i></u> 🌿	pappose tarplant	Asteraceae	List 1B.2
<u><i>Chloropyron maritimum</i> ssp. <i>palustre</i></u>	Point Reyes bird's-beak	Orobanchaceae	List 1B.2
<u><i>Chloropyron molle</i> ssp. <i>molle</i></u>	soft bird's-beak	Orobanchaceae	List 1B.2
<u><i>Chorizanthe valida</i></u> 🌿	Sonoma spineflower	Polygonaceae	List 1B.1
<u><i>Delphinium bakeri</i></u> 🌿	Baker's larkspur	Ranunculaceae	List 1B.1
<u><i>Delphinium luteum</i></u> 🌿	golden larkspur	Ranunculaceae	List 1B.1
<u><i>Downingia pusilla</i></u> 🌿	dwarf downingia	Campanulaceae	List 2.2
<u><i>Erigeron biolettii</i></u> 🌿	streamside daisy	Asteraceae	List 3
<u><i>Erigeron greenei</i></u>	Greene's narrow-leaved daisy	Asteraceae	List 1B.2

<u>Eriogonum luteolum</u> var. <u>caninum</u> 🌿	Tiburon buckwheat	Polygonaceae	List 1B.2
<u>Fritillaria liliacea</u> 🌿	fragrant fritillary	Liliaceae	List 1B.2
<u>Hemizonia congesta</u> ssp. <u>congesta</u> 🌿	white seaside tarplant	Asteraceae	List 1B.2
<u>Hesperolinon congestum</u> 🌿	Marin western flax	Linaceae	List 1B.1
<u>Horkelia tenuiloba</u> 🌿	thin-lobed horkelia	Rosaceae	List 1B.2
<u>Lasthenia burkei</u> 🌿	Burke's goldfields	Asteraceae	List 1B.1
<u>Lasthenia conjugens</u> 🌿	Contra Costa goldfields	Asteraceae	List 1B.1
<u>Layia septentrionalis</u> 🌿	Colusa layia	Asteraceae	List 1B.2
<u>Legenere limosa</u> 🌿	legenere	Campanulaceae	List 1B.1
<u>Leptosiphon jepsonii</u> 🌿	Jepson's leptosiphon	Polemoniaceae	List 1B.2
<u>Lessingia hololeuca</u> 🌿	woolly-headed lessingia	Asteraceae	List 3
<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>pliantha</u> 🌿	many-flowered navarretia	Polemoniaceae	List 1B.2
<u>Penstemon newberryi</u> var. <u>sonomensis</u> 🌿	Sonoma beardtongue	Plantaginaceae	List 1B.3
<u>Plagiobothrys mollis</u> var. <u>vestitus</u>	Petaluma popcorn-flower	Boraginaceae	List 1A
<u>Pleuropogon hooverianus</u> 🌿	North Coast semaphore grass	Poaceae	List 1B.1
<u>Polygonum marinense</u> 🌿	Marin knotweed	Polygonaceae	List 3.1
<u>Rhynchospora globularis</u>	round-headed beaked-rush	Cyperaceae	List 2.1
<u>Sidalcea calycosa</u> ssp. <u>rhizomata</u> 🌿	Point Reyes checkerbloom	Malvaceae	List 1B.2
<u>Sidalcea oregana</u> ssp. <u>valida</u> 🌿	Kenwood Marsh checkerbloom	Malvaceae	List 1B.1
<u>Trifolium amoenum</u> 🌿	two-fork clover	Fabaceae	List 1B.1
<u>Trifolium hydrophilum</u>	saline clover	Fabaceae	List 1B.2
<u>Triquetrella californica</u> 🌿	coastal triquetrella	Pottiaceae	List 1B.2
<u>Viburnum ellipticum</u> 🌿	oval-leaved viburnum	Adoxaceae	List 2.3



Selected Elements by Scientific 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
<i>Adela oplerella</i> Opler's longhorn moth	IILEE0G040	None	None	G2G3	S2S3	
<i>Agelaius tricolor</i> tricolored blackbird	ABPBXB0020	None	None	G2G3	S2	SSC
<i>Allium peninsulare</i> var. <i>franciscanum</i> Franciscan onion	PMLIL021R1	None	None	G5T2	S2.2	1B.2
<i>Alopecurus aequalis</i> var. <i>sonomensis</i> Sonoma alopecurus	PMPOA07012	Endangered	None	G5T1Q	S1	1B.1
<i>Ambystoma californiense</i> California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	SSC
<i>Amorpha californica</i> var. <i>napensis</i> Napa false indigo	PDFAB08012	None	None	G4T2	S2.2	1B.2
<i>Amsinckia lunaris</i> bent-flowered fiddleneck	PDBOR01070	None	None	G2?	S2?	1B.2
<i>Andrena blennospermatis</i> Blennosperma vernal pool andrenid bee	IHYM35030	None	None	G2	S2	
<i>Antrozous pallidus</i> pallid bat	AMACC10010	None	None	G5	S3	SSC
<i>Arctostaphylos canescens</i> ssp. <i>sonomensis</i> Sonoma canescent manzanita	PDERI04066	None	None	G3G4T2	S2.1	1B.2
<i>Arctostaphylos stanfordiana</i> ssp. <i>decumbens</i> Rincon Ridge manzanita	PDERI041G4	None	None	G3T1	S1	1B.1
<i>Astragalus claranus</i> Clara Hunt's milk-vetch	PDFAB0F240	Endangered	Threatened	G1	S1	1B.1
<i>Astragalus tener</i> var. <i>tener</i> alkali milk-vetch	PDFAB0F8R1	None	None	G2T2	S2	1B.2
<i>Athene cunicularia</i> burrowing owl	ABNSB10010	None	None	G4	S2	SSC
<i>Balsamorhiza macrolepis</i> big-scale balsamroot	PDAST11061	None	None	G2	S2	1B.2
<i>Blennosperma bakeri</i> Sonoma sunshine	PDAST1A010	Endangered	Endangered	G1	S1	1B.1
<i>Brodiaea leptandra</i> narrow-anthered brodiaea	PMLIL0C022	None	None	G2G3	S2S3.2	1B.2
<i>Caecidotea tomalensis</i> Tomales isopod	ICMAL01220	None	None	G2	S2	
<i>Calicina diminua</i> Marin blind harvestman	ILARAU8040	None	None	G1	S1	
<i>California macrophylla</i> round-leaved filaree	PDGER01070	None	None	G2	S2	1B.1
<i>Carex albida</i> white sedge	PMCPY030D0	Endangered	Endangered	G1	S1	1B.1



Selected Elements by Scientific 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
<i>Ceanothus confusus</i> Rincon Ridge ceanothus	PDRHA04220	None	None	G2	S2.2	1B.1
<i>Ceanothus divergens</i> Callistoga ceanothus	PDRHA04240	None	None	G2	S2.2	1B.2
<i>Ceanothus purpureus</i> holly-leaved ceanothus	PDRHA04160	None	None	G2	S2	1B.2
<i>Ceanothus sonomensis</i> Sonoma ceanothus	PDRHA04420	None	None	G2	S2.2	1B.2
<i>Centromadia parryi ssp. parryi</i> pappose tarplant	PDAST4R0P2	None	None	G4T1	S1	1B.2
<i>Chloropyron maritimum ssp. palustre</i> Point Reyes bird's-beak	PDSCR0J0C3	None	None	G4?T2	S2.2	1B.2
<i>Chloropyron molle ssp. molle</i> soft bird's-beak	PDSCR0J0D2	Endangered	Rare	G2T1	S1	1B.2
<i>Chorizanthe valida</i> Sonoma spineflower	PDPGN040V0	Endangered	Endangered	G1	S1	1B.1
<i>Coastal Brackish Marsh</i> Coastal Brackish Marsh	CTT52200CA	None	None	G2	S2.1	
<i>Coccyzus americanus occidentalis</i> western yellow-billed cuckoo	ABNRB02022	Candidate	Endangered	G5T3Q	S1	
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	AMACC08010	None	None	G4	S2S3	SSC
<i>Cypseloides niger</i> black swift	ABNUA01010	None	None	G4	S2	SSC
<i>Danaus plexippus</i> monarch butterfly	IILEPP2010	None	None	G5	S3	
<i>Delphinium luteum</i> golden larkspur	PDRAN0B0Z0	Endangered	Rare	G1	S1	1B.1
<i>Downingia pusilla</i> dwarf downingia	PDCAM060C0	None	None	G2	S2	2.2
<i>Elanus leucurus</i> white-tailed kite	ABNKC06010	None	None	G5	S3	FP
<i>Emys marmorata</i> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<i>Erigeron greenei</i> Greene's narrow-leaved daisy	PDAST3M5G0	None	None	G2	S2	1B.2
<i>Fritillaria liliacea</i> fragrant fritillary	PMLILOV0C0	None	None	G2	S2	1B.2
<i>Geothlypis trichas sinuosa</i> saltmarsh common yellowthroat	ABPBX1201A	None	None	G5T2	S2	SSC
<i>Haliaeetus leucocephalus</i> bald eagle	ABNKC10010	Delisted	Endangered	G5	S2	FP



Selected Elements by Scientific 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
<i>Hemizonia congesta ssp. congesta</i> white seaside tarplant	PDAST4R065	None	None	G5T2T3	S2S3	1B.2
<i>Hesperolinon congestum</i> Marin western flax	PDLIN01060	Threatened	Threatened	G2	S2	1B.1
<i>Horkelia tenuiloba</i> thin-lobed horkelia	PDROS0W0E0	None	None	G2	S2.2	1B.2
<i>Hydrochara rickseckeri</i> Ricksecker's water scavenger beetle	IICOL5V010	None	None	G1G2	S1S2	
<i>Hydroporus leechi</i> Leech's skyline diving beetle	IICOL55040	None	None	G1?	S1?	
<i>Lasthenia burkei</i> Burke's goldfields	PDAST5L010	Endangered	Endangered	G1	S1	1B.1
<i>Lasthenia conjugens</i> Contra Costa goldfields	PDAST5L040	Endangered	None	G1	S1	1B.1
<i>Laterallus jamalensis coturniculus</i> California black rail	ABNME03041	None	Threatened	G4T1	S1	FP
<i>Layia septentrionalis</i> Colusa layia	PDAST5N0F0	None	None	G2	S2.2	1B.2
<i>Legenere limosa</i> legenere	PDCAM0C010	None	None	G2	S2.2	1B.1
<i>Leptosiphon jepsonii</i> Jepson's leptosiphon	PDPLM09140	None	None	G2	S2	1B.2
<i>Limnanthes vincularis</i> Sebastopol meadowfoam	PDLIM02090	Endangered	Endangered	G1	S1	1B.1
<i>Linderiella occidentalis</i> California linderiella	ICBRA06010	None	None	G3	S2S3	
<i>Lupinus sericatus</i> Cobb Mountain lupine	PDFAB2B3J0	None	None	G2	S2.2	1B.2
<i>Melospiza melodia samuelis</i> San Pablo song sparrow	ABPBXA301W	None	None	G5T2?	S2?	SSC
<i>Microseris paludosa</i> marsh microseris	PDAST6E0D0	None	None	G2	S2.2	1B.2
<i>Navarretia leucocephala ssp. bakeri</i> Baker's navarretia	PDPLM0C0E1	None	None	G4T2	S2	1B.1
<i>Northern Coastal Salt Marsh</i> Northern Coastal Salt Marsh	CTT52110CA	None	None	G3	S3.2	
<i>Northern Vernal Pool</i> Northern Vernal Pool	CTT44100CA	None	None	G2	S2.1	
<i>Oncorhynchus mykiss irideus</i> steelhead - central California coast DPS	AFCHA0209G	Threatened	None	G5T2Q	S2	
<i>Penstemon newberryi var. sonomensis</i> Sonoma beardtongue	PDSCR1L483	None	None	G4T1	S2	1B.3



Selected Elements by Scientific 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
<i>Plagiobothrys mollis</i> var. <i>vestitus</i> Petaluma popcornflower	PDBOR0V0Q2	None	None	G4?TX	SX	1A
<i>Pleuropogon hooverianus</i> North Coast semaphore grass	PMPOA4Y070	None	Threatened	G2	S2	1B.1
<i>Pogonichthys macrolepidotus</i> Sacramento splittail	AFCJB34020	None	None	G2	S2	SSC
<i>Polygonum marinense</i> Marin knotweed	PDPGNL1C0	None	None	G2Q	S2	3.1
<i>Rallus longirostris obsoletus</i> California clapper rail	ABNME05016	Endangered	Endangered	G5T1	S1	FP
<i>Rana boylei</i> foothill yellow-legged frog	AAABH01050	None	None	G3	S2S3	SSC
<i>Rana draytonii</i> California red-legged frog	AAABH01022	Threatened	None	G4T2T3	S2S3	SSC
<i>Reithrodontomys raviventris</i> salt-marsh harvest mouse	AMAFF02040	Endangered	Endangered	G1G2	S1S2	FP
<i>Riparia riparia</i> bank swallow	ABPAU08010	None	Threatened	G5	S2S3	
<i>Sidalcea calycosa</i> ssp. <i>rhizomata</i> Point Reyes checkerbloom	PDMAL11012	None	None	G5T2	S2.2	1B.2
<i>Sidalcea oregana</i> ssp. <i>vallda</i> Kenwood Marsh checkerbloom	PDMAL110K5	Endangered	Endangered	G5T1	S1	1B.1
<i>Sorex ornatus sinuosus</i> Suisun shrew	AMABA01103	None	None	G5T1	S1	SSC
<i>Speyeria zerene myrtleae</i> Myrtle's silverspot	IILEPJ6089	Endangered	None	G5T1	S1	
<i>Streptanthus hesperidis</i> green jewel-flower	PDBRA2G510	None	None	G2	S2	1B.2
<i>Syncaris pacifica</i> California freshwater shrimp	ICMAL27010	Endangered	Endangered	G1	S1	
<i>Talanites ubicki</i> Ubick's gnaphosid spider	ILARA98030	None	None	G1	S1	
<i>Taxidea taxus</i> American badger	AMAJF04010	None	None	G5	S4	SSC
<i>Trifolium amoenum</i> showy rancheria clover	PDFAB40040	Endangered	None	G1	S1	1B.1
<i>Trifolium hydrophilum</i> saline clover	PDFAB400R5	None	None	G2	S2	1B.2
<i>Triquetrella californica</i> coastal triquetrella	NBMUS7S010	None	None	G1	S1	1B.2
<i>Tryonia imitator</i> mimic tryonia (=California brackishwater snail)	IMGASJ7040	None	None	G2G3	S2S3	



Selected Elements by Scientific 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
<i>Valley Needlegrass Grassland</i> Valley Needlegrass Grassland	CTT42110CA	None	None	G3	S3.1	
<i>Viburnum ellipticum</i> oval-leaved viburnum	PDCPR07080	None	None	G5	S2.3	2.3

Record Count: 86

CALIFORNIA WILDLIFE HABITAT RELATIONSHIPS SYSTEM
 Supported by
CALIFORNIA INTERAGENCY WILDLIFE TASK GROUP
 and maintained by the
CALIFORNIA DEPARTMENT OF FISH AND GAME
 Database Version: 8.2 (2008)

5/23/2013

SPECIES SUMMARY REPORT

3=California Endangered	7=California Species of Special Concern	11=BLM Sensitive
4=California Threatened	8=Federally-Proposed Endangered	12=USFS Sensitive
1=Federal Endangered	5=California Fully Protected	9=Federally-Proposed Threatened
2=Federal Threatened	6=California Protected	10=Federal Candidate
		13=CDF Sensitive
		14=Harvest

Note: Any given status code for a species may apply to the full species or to only one or more subspecies or distinct population segments.

ID	SPECIES NAME	STATUS													
B117	NORTHERN GOSHAWK									7			11	12	13
B121	SWAINSON'S HAWK				4									12	
B272	LONG-EARED OWL									7					
M117	DEER MOUSE									7					
R046	RUBBER BOA					4								12	
R053	STRIPED RACER			2		4									
R057	GOPHER SNAKE									7					
R059	CALIFORNIA MOUNTAIN KINGSNAKE									7				12	
R061	COMMON GARTER SNAKE			1		3		5		7					
	Total Number of Species:														9



August 19, 2013

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Focused Traffic Study for the Belden Barns Winery Project

Dear Mr. Martin;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has prepared a traffic analysis relative to the proposed winery to be located at 5561 Sonoma Mountain Road in the County of Sonoma. The purpose of this letter is to address the likely trip generation of the proposed project as well as adequacy of the parking supply. The traffic study was completed in accordance with the Traffic Study Guidelines established by the County of Sonoma.

Project Description

The proposed Belden Barns Winery project consists of the development of a winery capable of producing 10,000 cases of wine and 10,000 pounds of cheese annually together with a tasting room that would be open daily. It is anticipated that 5,000 cases of wine would be produced from grapes grown on site, while the remaining 5,000 cases will come from grapes grown at local vineyards. It is also anticipated that half of the cheese will be made from milk produced by cows, sheep and goats raised on the property, while the other half of the milk will be imported. Participation in up to ten special events is proposed annually. The tasting room is proposed to be open from 10:00 a.m. to 5:00 p.m. daily, while winery operations would typically be between 7:00 a.m. and 6:00 p.m. Access to the project will be via an existing driveway on the south side of Sonoma Mountain Road approximately 1.5 miles east of Pressley Road.

Existing Conditions

Sonoma Mountain Road is classified as a Rural Minor Collector in the *Sonoma County General Plan 2020*. East of Pressley Road and in the vicinity of the project site, Sonoma Mountain Road is narrow, approximately 20 feet wide, running east-west with no center line or edge line striping. Travel speed and traffic count data was obtained using machine counters on April 26-30, 2012, west of the project site. Based on the data collected, Sonoma Mountain Road has an average daily traffic (ADT) volume of approximately 360 vehicles during weekdays and 340 vehicles during weekend days.

Although there is no posted speed limit for Sonoma Mountain Road near the proposed winery's frontage, the *prima facie* speed limit is 55 mph. However, based on speed data collected, the 85th percentile speed for traffic approaching the driveway was found to be approximately 40 mph. Therefore, 40 mph was utilized for analysis purposes.

A 20-acre vineyard currently exists on the site, of which four acres are being re-planted. Additionally, three single family houses and a guest house exist on the site. Of the three single family houses, one is

proposed to be demolished and replaced with a new single family house/hospitality building, one will be removed and replaced by two new residences attached to the winery building while the remaining residential unit will remain unchanged. The existing guest house will also remain unchanged. The site also has an existing barn and dance hall that are proposed to be renovated.

Collision History

The collision history for the study segment of Sonoma Mountain Road from Pressley Road to the project driveway was reviewed to determine any trends or patterns that indicate a safety risk that may be exacerbated by the addition of project traffic. The average annual collision rate was calculated based on records for January 2006 through December 2010 obtained through the California Highway Patrol and published in their *Statewide Integrated Traffic Records System (SWITRS)* reports.

The 1.5-mile segment of Sonoma Mountain Road had two reported collisions over the five-year study period for a calculated collision rate of 1.97 collisions/million vehicle miles (c/mvm). The statewide average collision rate for a rural two-lane road with a speed limit of less than 55 mph is 2.24 c/mvm. The calculated collision rate is lower than the statewide average for similar roadway segments, indicating that the roadway is operating within normal safety parameters. A copy of the spreadsheet showing the derivation of actual and statewide collision rates is enclosed.

Trip Generation

The County's Winery Trip Generation form, which is enclosed, was completed in order to determine the proposed winery site's trip generation potential under both existing and proposed conditions. This form includes details relative to the anticipated production of cheese as well as the winery operation, and indicates that the winery will have a staff of eight persons who would be expected to generate an average of three trip ends each, or 24 trip ends total, per weekday. Truck traffic is expected to contribute an average of one trip end per weekday.

In addition, the tasting room will have one employee, generating an average of three trips per day. An average of 42 visitors per day is expected for tasting, with a high of 60 tasters during the summertime months and a low of about 30 visitors during December. Based on the average vehicle occupancy of 2.5 visitors per vehicle, 33 daily trips are expected due to tasting. Data 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 generated winery trips occur during the p.m. peak hour and 13 percent during the weekend midday peak.

For purposes of estimating the number of trips associated with the three existing single family houses, *Trip Generation*, 8th Edition, Institute of Transportation Engineers, 2008, was used. Based on rates for Single Family Detached Housing (Land Use #210), a residence is expected to generate an average of about ten daily trips. Trips associated with the three existing single family houses are already included in existing background volumes and were therefore not considered to be new trips; however, these trips were included in the analysis of driveway operations. Since the existing guest house is not occupied on a consistent basis, it was not included in the trip generation estimate for existing conditions.

As shown in Table 1, the proposed winery project would be expected to generate an average of 71 new trip ends per day, including 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

**Table I
Trip Generation Summary**

Trip Type	Unit	Daily		Weekday PM Peak			Weekend Midday Peak		
		Rate	Trips	Trips	In	Out	Trips	In	Out
Existing									
Single Family Home	3	9.57	30	3	3	0	3	3	0
Proposed									
Winery Employees	8	3	24	8	0	8	0	0	0
Truck Traffic	n/a	n/a	1	0	0	0	0	0	0
Tasting Visitors	42	0.8	33	3	1	2	4	2	2
Tasting Employees	1	3	3	1	0	1	1	1	0
Single Family Home	4	9.57	40	4	4	0	4	4	0
Total Proposed Trips			101	16	5	11	9	7	2
Total New Trips			71	13	2	11	6	4	2

Note: Trip generation does not include special events

Special Events

A total of ten special events are proposed at the project site. As indicated on the enclosed "Event Schedule" forms, two 200-person winery events per year are proposed along with three 100-person winery events and five 60-person winery events. It was assumed that a maximum sized 200-person event would require a staff of ten. Using an occupancy of 2.5 persons per vehicle for guests and solo occupancy for staff, a maximum sized 200-person event would be expected to generate 180 trip ends at the driveway, including 90 inbound trips at the start of the event and 90 outbound trips upon its conclusion.

Site Access

Access to the project will be provided via an existing driveway on Sonoma Mountain Road. Based on Sonoma County Fire Safe Standards, the driveway would need to be 20 feet wide for two-way access; however, the driveway width may be reduced to ten feet wide with a minimum vertical clearance of 15 feet if turnouts are provided every 400 feet or approximately midway if the total driveway is less than 800 feet long. Based on the site plan provided it is understood that the driveway will retain its existing width of 12 feet, while the roadway segment providing access to the new winery building is proposed to be 16 feet wide. It is therefore recommended that all internal roadways either be widened to a 20-foot cross section or include the appropriate number of turnouts to meet standards established by Sonoma County.

Sight Distance

Sight distance from the project's driveway on Sonoma Mountain Road was evaluated based on criterion contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines recommend sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches, and sight distances for drivers of vehicles stopped on 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 compared to turning right.

For a 40-mph design speed, sight distance to the west of at least 385 feet is needed to complete an outbound left turn. From the location of the existing driveway, sight distance to the west extends to approximately 200 feet west of the driveway. The sight lines are obstructed by vegetation along the south side of the road west of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the south side of Sonoma Mountain Road west of the project driveway to be cleared to achieve at least 385 feet of sight distance.

To complete an outbound left turn, which is expected to be the predominant movement for project traffic, 445 feet of sight distance is required, but clear sight lines of only approximately 400 feet are available. The sight lines are obstructed by vegetation along the north side of the road located approximately 400 feet east of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway be cleared to achieve at least 445 feet of sight distance.

Also measured was the stopping sight distance along the westbound Sonoma Mountain Road approach to determine if there is adequate sight distance available for a driver to react to a vehicle stopped in the through lane while waiting to complete an inbound left-turn movement. This would require 305 feet of sight distance, and 400 feet is available, which is adequate for speeds of up to 45 mph.

Any planned vegetation or frontage improvements that may be installed as a component of the project should be low lying or located back from the roadway to avoid further reducing sight lines.

Turn Lane Warrants

The need for turn lane channelization on Sonoma Mountain Road at the project driveway 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 an update of the methodology developed by the Washington State Department of Transportation.

Including all existing residential traffic and agricultural traffic, it is estimated that approximately 17 trips would occur during the weekday p.m. peak hour, of which up to five could be inbound trips, while during the weekend midday peak hour ten are expected to occur including eight inbound trips. Despite current traffic volumes on Sonoma Mountain Road being fairly evenly split in the eastbound and westbound directions, it is expected that the majority, if not all, of inbound project-related trips would access the site via eastbound right turns. However, to provide a worst-case scenario it was assumed that all inbound trips would access the site via a westbound left-turn.

Based on the prevailing speed of 40 mph, and current Sonoma Mountain Road segment volumes near the driveway, a left-turn lane would **not** be warranted during either the weekday p.m. or weekend midday peak periods.

Because inbound right turns are expected to dominate, analysis was performed that indicates that assuming all inbound trips are eastbound right turns, which is likely; neither a right turn lane nor taper would be warranted. Copies of the turn lane warrant calculation sheets are enclosed.

Internal Circulation

The ability for drivers of large vehicles to maneuver through the site was examined using the AutoTURN analysis software to simulate vehicle turning movements. Through discussions with the applicant, it is understood that the largest truck expected to access the site would be a bottling line truck. A heavy-duty ten-wheel truck was used to simulate the bottling line truck.

Based on the AutoTURN analysis it was determined that bottling line trucks would be able to enter and exit the site without the need for widening at the existing driveway location. On-site roadways are also expected to be sufficient to accommodate the circulation of the evaluated bottling line truck. Drivers of these larger trucks will need to utilize the truck turnaround area located south of the existing barn to complete the full circuit. A figure of the site plan showing maneuvering of the evaluated bottling line truck is enclosed.

Parking Adequacy

Daily Operations

The project site plan shows a total of 96 on-site spaces, including 16 permanent spaces for staff and visitors and 80 temporary spaces for attendees of special events.

Assuming that each employee drives to work in their own vehicle, nine spaces would be needed to accommodate the employees associated with daily winery and tasting room operations. Data collected by W-Trans to develop winery tasting room rates was also used to develop the parking demand for the project. Based on this information, it was assumed that an average of 25 percent of the 17 daily vehicles associated with the tasting room visitors, or five vehicles, would be parked on-site during any single hour; therefore, a maximum of 14 spaces might be needed to accommodate the typical daily parking demand.

The project as proposed provides a total of 16 permanent parking spaces, which would accommodate the typical guest and employee parking demand, with a surplus of two spaces.

Special Events

A maximum-sized special event with 200 guests would be expected to generate need for 80 parking spaces, plus an additional ten spaces for employees for a combined total of 90 parking spaces. Assuming that typical daily operations, such as tasting room visitors, would cease during participation of a maximum-sized special event, the proposed 96 permanent and temporary parking spaces would be able to accommodate the demand for event parking.

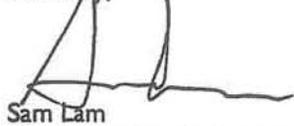
Conclusions and Recommendations

- The 40-mph speed was utilized for analysis purposes and was established with speed data collected near the project site's driveway. It was determined that the 85th percentile speed for traffic approaching the driveway was 40 mph.
- The 1.5-mile segment of Sonoma Mountain Road from Pressley Road to the project driveway has a collision rate that is lower than the average rate for similar facilities statewide.
- The proposed project would generate an average of 71 new daily trip ends over existing levels, which includes 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

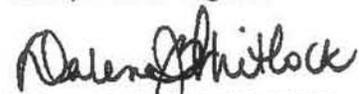
- Ten special events are proposed annually with attendance levels ranging from 60 to 200 people.
- It is recommended that all internal roadways be widened to a 20-foot cross section or else the appropriate number of turnouts should be constructed to meet standards established by Sonoma County.
- Sight distance at the project driveway is adequate for outbound right-turn and inbound left-turn movements, but is inadequate for outbound left-turn movements until vegetation is cleared.
- If vegetation is removed along the south side of Sonoma Mountain Road west of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- If vegetation is removed along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- Under the conservative assumption that all inbound trips would be made via left turns, a westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway.
- Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway.
- It is expected that the proposed site configuration will accommodate a heavy-duty 10-wheel bottling line truck.
- The proposed parking supply will be adequate to meet expected demands for employees, tasting room visitors and special event attendees.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,



Sam Lam
Transportation Engineer

Dalene J. Whitlock, PE, PTOE
Principal

DJW/std/SOX441.LI

- Enclosures:
- Collision Rate Spreadsheet
 - Belden Barns Winery Trip Generation Form
 - Special Event Schedule Form
 - Turn Lane Warrants
 - Vehicle Maneuvering Drawing

SEGMENT COLLISION RATE CALCULATIONS

Belden Barns Winery

Location: Sonoma Mountain Rd from Pressley Rd to the Project Driveway

Date of Count: Friday, April 27, 2012

ADT: 370

Number of Collisions: 2

Number of Injuries: 1

Number of Fatalities: 0

Start Date: January 1, 2006

End Date: December 31, 2010

Number of Years: 5

Highway Type: Conventional 2 lanes or less

Area: Rural

Design Speed: <=55

Terrain: Rolling/Mountain

Segment Length: 1.5 miles

Direction: East/West

$$\frac{\text{NUMBER OF COLLISIONS} \times 1 \text{ MILLION}}{\text{ADT} \times 365 \text{ DAYS PER YEAR} \times \text{SEGMENT LENGTH} \times \text{NUMBER OF YEARS}}$$

$$\frac{2}{370} \times \frac{1,000,000}{365 \times 1.5 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.97 c/mvm	0.0%	50.0%
Statewide Average*	2.24 c/mvm	2.2%	46.0%

ADT = average daily traffic volume
 c/mvm = collisions per million vehicle miles
 * 2007 Collision Data on California State Highways, Caltrans

Winery Trip Generation

Winery: Beiden Barns Winery
 Location: 5561 Sonoma Mountain Road
 Annual Full Production: 10000 cases of wine & 10,000 lbs of cheese

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	0	6	12	--	0	18	36	--
Cellar / Storage	0	0	0	--	0	0	0	--
Administrative	0	2	4	--	0	6	12	--
Sales	0	0	0	--	0	0	0	--
Bottling	0	0	--	0	0	0	--	0
Other staff (describe):					0	0	0	0
Totals	0	8	16	0	0	24	48	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 7; 7 truck(s) at 12 tons/truck Dates of Activity: August through October	0.00	0.05
Juice Importation Truck loads per year: None Dates of Activity:	0.00	0.00
Juice/Fruit Exportation Truck loads per year: None Dates of Activity:	0.00	0.00
Pomace Disposal Truck loads per year: 0; and 0 truck(s) at 0 tons/truck Dates of Activity: August through October Disposed: on-site	0.00	0.00
Bottle Delivery Truck loads per year: 5 truck(s) at 904 cases/truck Dates of Activity: January through June	0.00	0.04
Barrel Delivery Truck loads per year: 1 truck(s) at 100 barrels/truck Dates of Activity: July through September	0.00	0.01
Finished Wine Transportation to storage/sales Truck loads per year: 10 truck(s) at 984 cases/truck Dates of Activity: January through December	0.00	0.08
Less Backhauls Truck loads per year: -3 truck(s) Dates of Activity: January through December	0.00	-0.02
Miscellaneous trips Truck loads per year: 122 trucks Dates of Activity: January through December	0.00	0.92
Totals	0.00	1.08

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	1	1	3	3
Vineyard Maintenance: Peak Season	0	0	0	0
Totals	1	1	3	3

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	42	0	33
Tasting Room Employees	0	1	0	3
Totals	0	43	0	36

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	N/A	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	N/A	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	N/A	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-5:00pm	N/A	7:00 am-6:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 5:00 pm	N/A	6:00 am-8:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic	0	2
Special Events		
Other Trips (If Applicable)		
None		
Totals	0	2

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	0	24
Winery and Cheese Operations (truck traffic)	0	1
Vineyard Operations (employees)	3	3
Tasting Room Traffic (employees and visitors)	0	36
Event Traffic (employee and visitors)	0	2
Miscellaneous other traffic generators	0	0
Totals	3	66

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	57	57	68	65	66	72

Month	July	August	September	October	November	December
Total Trips	81	102	93	105	61	57

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery** PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 200 Guests**

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									
Saturdays												
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.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.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

For Saturday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery** PRMD File Number: _____
 Type of event shown on this sheet: **Special Event – 100 Guests**

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									
Saturdays						1						
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.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.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery** PRMD File Number: _____
 Type of event shown on this sheet: **Special Event - 60 Guests**

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				1								1
Sundays							1					

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.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.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

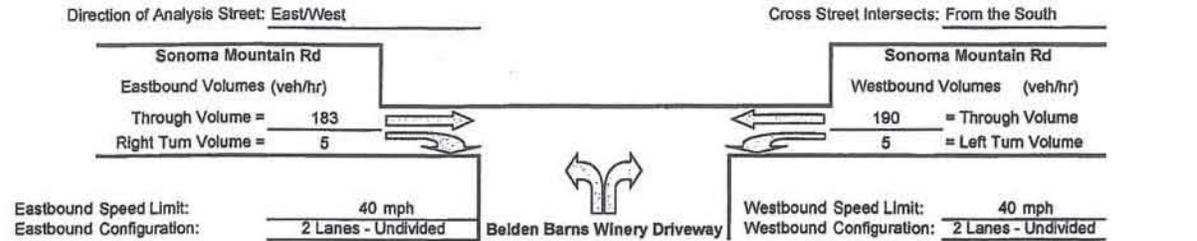
For Friday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Barns Winery Driveway
 Study Scenario: Existing plus Project - Weekday PM Peak Hour



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV =	1012.6
Advancing Volume	Va =	188
If $AV < Va$ then warrant is met		No

Right Turn Lane Warranted: **NO**

Eastbound Right Turn Taper Warrants
(evaluate if right turn lane is unwarranted)

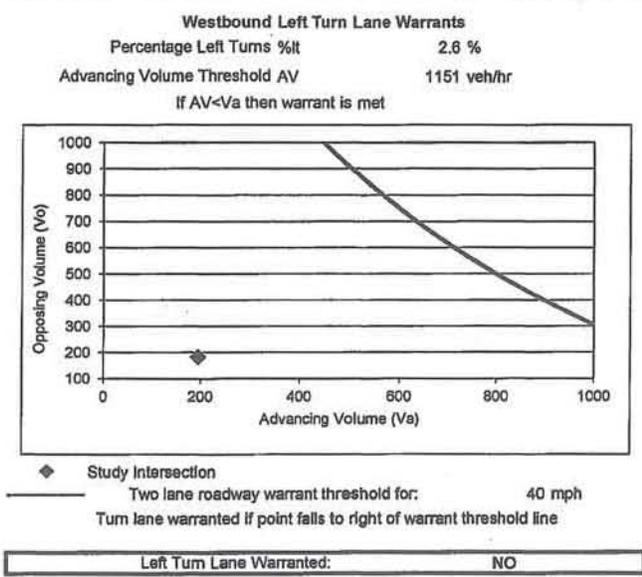
1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	188
If $AV < Va$ then warrant is met		-

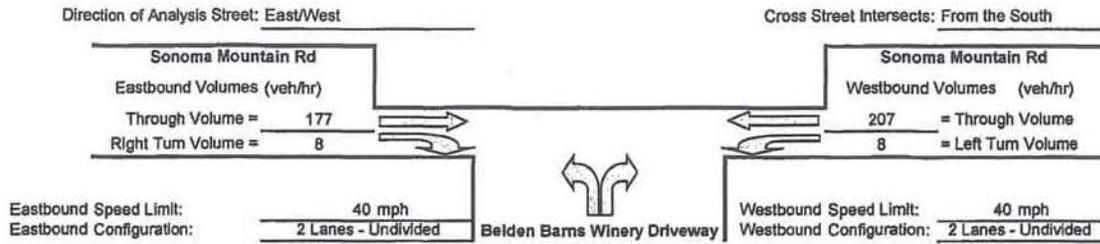
Right Turn Taper Warranted: **NO**



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: Sonoma Mountain Road at Belden Bams Winery Driveway
 Study Scenario: Existing plus Project - Weekend Midday Peak Hour



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV = 990.1
Advancing Volume	Va = 185
If $AV < Va$ then warrant is met	

Right Turn Lane Warranted: **NO**

Eastbound Right Turn Taper Warrants

(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

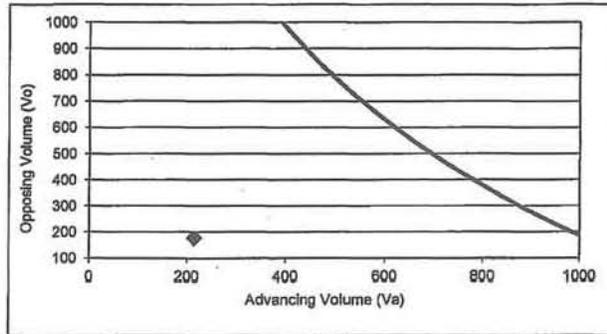
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV = -
Advancing Volume	Va = 185
If $AV < Va$ then warrant is met	

Right Turn Taper Warranted: **NO**

Westbound Left Turn Lane Warrants

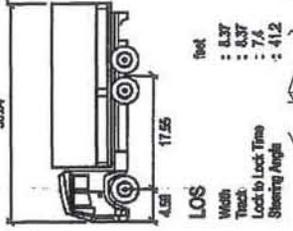
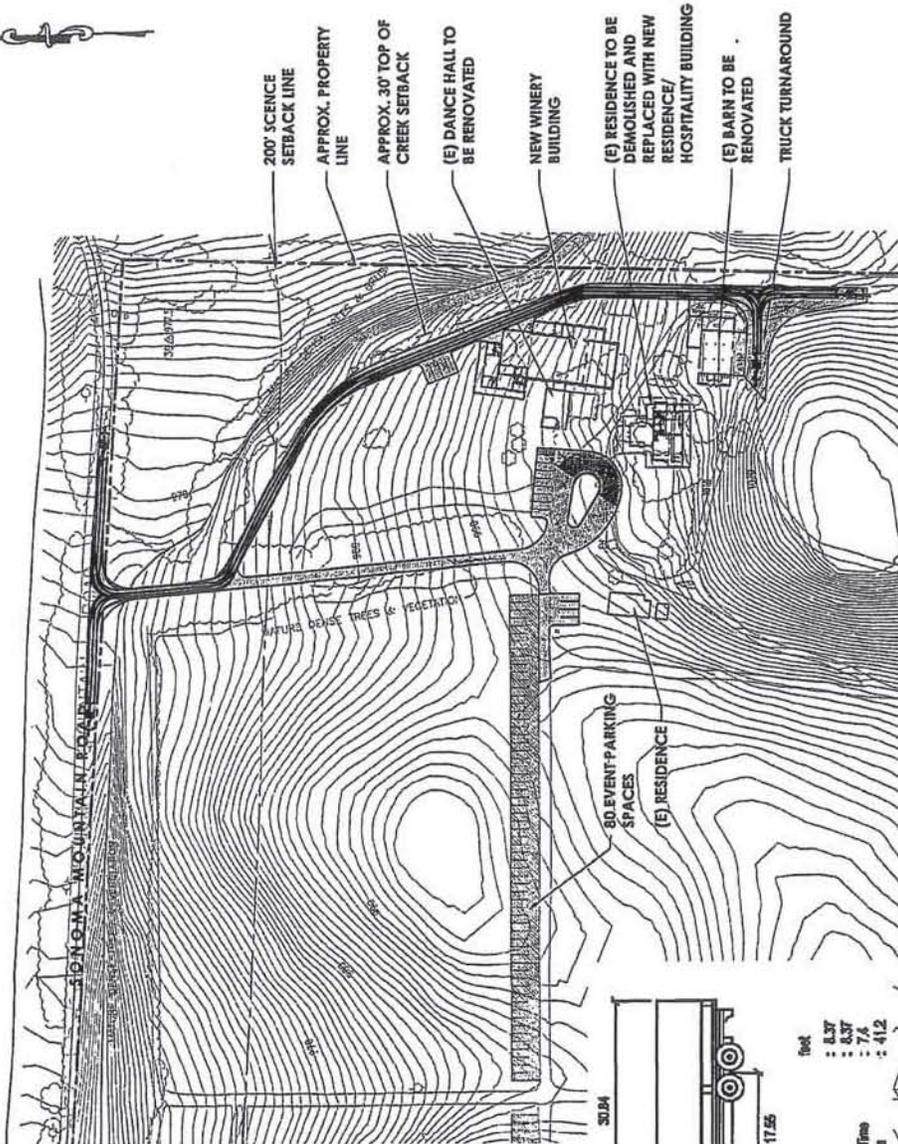
Percentage Left Turns %lt	3.7 %
Advancing Volume Threshold AV	1009 veh/hr
If $AV < Va$ then warrant is met	



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 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.



SCALE:	1"=200'
DATE:	5/23/12
JOB NO.:	
DRAWN:	SL
DESIGN:	
SHEET:	1 of 1
SHEETS:	

Belden Barn Winery AutoTURN Analysis

Whitlock & Weinberger Transportation, Inc
 490 Mendocino Ave, Suite 201
 Santa Rosa, CA
 (707)542-9500 Fax (707)542-9590



134 LYSTRA COURT
TELEPHONE (707) 528-3078

REESE CONSULTING
& ASSOCIATES GEOTECHNICAL
ENGINEERS

SANTA ROSA, CA 95403
FACSIMILE (707) 528-2837

May 24, 2013

Job No. 539.1.3

Steiner Vineyards LLC
c/o Steve Martin Associates, Inc.
130 S. Main Street, Suite 201
Sebastopol, CA 95403

Report
Preliminary Geologic Evaluation
Belden Barns Winery and Farmstead
Santa Rosa, California

This letter presents the results of our preliminary geologic/geotechnical evaluation concerning the suitability of the currently proposed development from a geologic standpoint. The project site is located at 5560 Sonoma Mountain Road, in Sonoma County, California.

Located within the hillsides of Sonoma Mountain, the property contains six existing structures. Based on project plans prepared by Steve Martin Associates, Inc. (SMA), the structures consist of an existing main residence, guest house, family farm dwelling, barn, dance hall and employee unit. The plans indicate that the guest house and family farm dwelling will remain. The barn and dance hall will be renovated, while the existing main residence will be demolished and replaced with a new residence/hospitality building. Also, a new winery building with employee units is proposed. The proposed development would be served by a new winery road setback about 30 feet from an existing seasonal creek channel. The proposed winery and farmstead is shown on Plate 1.

PURPOSE AND SCOPE

This evaluation is intended to characterize, in a preliminary manner, the geologic and geotechnical conditions and hazards as they relate to the proposed development. The principle focus was on the possible presence and extent of landsliding. To accomplish this purpose, the following tasks were performed:

- Review of selected published geologic literature including available geotechnical engineering reports, fault and landslide maps pertinent to the project area. References reviewed are listed in the references section.

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c/o Steve Martin Associates, Inc.
May 24, 2013
Page Two

- Review of stereo-paired aerial photographs of the site and vicinity. Photos reviewed are listed in the references section.
- A geologic reconnaissance of the site and surrounding area to map the surface geologic conditions at the site.

Upon completion of our field work, geologic analyses were performed to develop preliminary conclusions and recommendations concerning:

1. The geologic setting and geologic hazards pertinent to the site.
2. Conclusions regarding the potential for geologic hazards, including landsliding and faulting to affect the proposed project.
3. Conceptual geotechnical engineering recommendations for site development.
4. Supplemental geotechnical engineering services.

BACKGROUND

During February and March 2002, Giblin Associates (GA) was on-site and performed geologic reconnaissance and was in the process of performing a soil investigation with particular focus on slope stability at a proposed new residence building site, for a different owner. Twenty test pits were excavated to explore subsurface conditions at possible building envelopes. Approximate test pit locations are shown on the attached Plate 1. Following the subsurface investigation, a memorandum was issued that contained a summary of their observations and geologic conclusions to date. The memorandum was dated with a revision of July 11, 2002. Our principal engineer and geologist served as project managers for GA during the investigation and co-authored that memorandum.

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SITE CONDITIONS

General Site Description

The project site is located on the northwest flanks of Sonoma Mountain and the south portion of the Bennett Valley area. The property begins along the south side of Sonoma Mountain Road and extends about 1,850 feet south. Elevations on the property extend from about 880 to 1,080 feet above sea level. The proposed development is located within the northeast portion of the property within very gently sloping terrain. Located further south, the property ascends and consists of a series of low, hummocky knolls planted with vineyards. Further to the southwest, an irrigation pond is present.

Geology

During our site reconnaissance and review of GA's site exploration, rock materials of the Petaluma Formation were encountered beneath a relatively thin cover of soil. Published maps indicate the property is underlain by the poorly-consolidated, sedimentary rocks of the Pliocene-age Petaluma Formation (Fox, 1973). Based on the test pits excavated by GA, the Petaluma Formation appears comprised predominantly of weak mudstone, claystone and minor amounts of friable sandstone. Our review of published geologic maps, GA's field notes and interpretation of air photos indicates that bedding in the site vicinity strikes slightly north of west with moderate (30 degree) southerly dips.

Faulting and Seismicity

The project site is within the California Coast Ranges, a region of high seismic activity. In historic times numerous moderate and occasional large magnitude earthquakes have affected this region. Notable earthquakes that have caused major damage to Santa Rosa include the magnitude 7.9 California Earthquake of 1906 on the San Andreas fault (21 miles southwest of the site) and the 1969 Santa Rosa earthquakes on the Rodgers Creek fault. The 1969 earthquakes were of moderate magnitude with earthquake epicenters located near downtown Santa Rosa. In addition to the San Andreas and Rodgers Creek faults, several other faults in the region including the Green Valley (22½ miles to the northeast) and the West Napa (13 miles northeast) are considered capable of generating moderate to large earthquakes.

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No active faults are recognized within the project area. The closest active fault to the project is the Rodgers Creek fault located approximately 1.9 miles southwest of the project site.

Landslides and Slope Stability

Published geologic and slope stability maps provide several differing interpretations of landslides in the project area. The published maps available are small-scale and these types of maps typically rely heavily on interpretation of topographic features from aerial photographs supported by limited field mapping. The slope stability map accompanying Special Report 120 (1980) depicts a possible large, deep-seated landslide extending from the ridgeline (contour line 1,200 feet) just south of the proposed project area, as shown on the attached Plate 2.

Geologic maps published in 2003 (CGS, 2003) and 1973 (Fox and Sims) do not show any landslides that affect the property or adjacent areas. The fourth map reviewed (CDMG, 1971) depicts a landslide originating near the top of a ridgeline south of Sonoma Mountain Road and extending north into the southeast corner of the subject property (see Plate 2).

During our reconnaissance and review of the previous test pits performed by GA, the two low knolls located south of the barn at elevations about 1068 and 1056 feet are underlain by very weak, diatomaceous siltstone. The siltstone rocks are broken and weathered to the consistency of soil. Furthermore, the materials contained near vertical fractures 9 feet deep filled with topsoil. A contact was observed in Test Pit 19 between the broken rocks and what appeared to be in-place sandstone materials of the Petaluma Formation. It was reported that the contact was an approximate 3- to 6-inch thick plastic clay layer with a mat of roots. Also, the orientation of the contact was downward to the north consistent with a landslide slip surface.

GA then went on to excavate further test pits at the knoll located just above the existing barn at elevation 1,026 feet. This knoll was underlain by highly weathered sandstone, claystone, siltstone and conglomerate of the Petaluma Formation. Bedding was observed in the test pits that had a consistent east/west strike and moderate southerly dip. These materials were judged to be in-place.

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Following viewing and interpretation of air photos, our site visit and based on GA's test pits, the presence of two moderately large landslides was confirmed. The first landslide appears to be a relatively old earthflow-type slide that originates near elevation 1,200 feet and extends in the northwest direction, through the south and southwest portions of the property and possibly includes the irrigation pond, as shown on Plates 1 and 2. The other slide appears to be a younger earthflow near the south portion of the property. Our interpretative landslide map of the property is shown on Plate 2.

DISCUSSION AND PRELIMINARY CONCLUSIONS

The conceptual project plan prepared by SMA is considered feasible from an engineering geologic and geotechnical standpoint. The most significant geologic hazards and geotechnical constraints that affect the site include the following:

- A potential for very strong seismic shaking
- The presence of two landslides on the property
- Weak compressible soils and highly expansive clays

Seismic Ground Shaking

The proximity of the site to the active Rodgers Creek fault indicates that this fault is the design fault for the site. Estimates of expected ground shaking at the site from that fault's characteristic 7.0 magnitude earthquake would range from very strong to violent. Based on this potential, we conclude that the proposed structures should be designed and constructed in strict accordance with current building codes.

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c/o Steve Martin Associates, Inc.
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Page Six

Slope Instability

Two landslides are present on the property, as shown on the attached Plate 1. However, these slides are located about 340 feet upslope of the proposed improvements. We conclude that these slides are a sufficient distance away from the proposed improvements such that no mitigations measures are warranted. Furthermore, air photos and geologic maps reviewed for this investigation and the materials encountered in GA's test pits provide strong evidence that the proposed winery and farmstead site has not been subjected to past landsliding as shown on the slope stability map accompanying Special Report 120.

Weak Compressible Soil and Expansive Clays

Test Pit 12 of GA's subsurface investigation encountered about 2 feet of weak porous soils underlain by about 3½ feet of highly expansive clays. Our experience indicates that weak porous soils can undergo considerable strength loss and settlement when subjected to loads, particularly when saturated. Also, expansive clays can shrink and swell with seasonal variation in moisture content and can heave and distress lightly loaded footings and slabs. Therefore, we conclude that the weak, porous natural and expansive clays would not be suitable for foundation, slab or fill support in their present condition.

Satisfactory foundation support for structures can be obtained from a system of drilled piers and grade beams; however, spread footings bottomed on properly compacted fill could also be used. Where spread footings bottomed at minimum depth and conventional slab-on-grade floors are desired, it will be necessary to remove the existing porous soils for their full depth, and cover any expansive soils with a moisture confining blanket of approved on-site materials of low expansion potential or imported nonexpansive fill. If drilled piers and grade beams are used in conjunction with wood floors supported on joists above grade, removal of weak porous upper soils and expansive clays would not be needed. Alternatively, post-tensioned or mat slab foundations could also be considered for foundation support.

Supplemental Geotechnical Engineering Services

A detailed geotechnical investigation should be performed at the site to further evaluate the site conditions and to provide design level criteria for proposed improvements including site grading, foundation and retaining wall design, roadway pavement support and geotechnical engineering drainage.

Steiner Vineyards LLC
c/o Steve Martin Associates, Inc.
May 24, 2013
Page Seven

We trust this report provides you with the information you need at this time. If you have any questions or we can be of further assistance, please give us a call. The following plates are attached and complete this report.

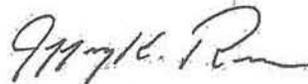
Plate 1 Site Plan Depicting Proposed Winery and Farmstead and
 Interpretative Geologic Map

Plate 2 Interpretative Landslide Map of the Property and Surrounding Area

Yours Very Truly,

REESE & ASSOCIATES


Brian F. Piazza
Staff Geologist


Jeffrey K. Reese
Civil Engineer No. 47753



BFP/JKR:nay/ra/Job No. 539.1.3
Copies Submitted: 3

Steiner Vineyards LLC
c/o Steve Martin Associates, Inc.
May 24, 2013
Page Eight

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- California Division of Mines and Geology, February 1998, *Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada*, to be used with the 1997 Uniform Building Code.
- California Division of Mines and Geology, July 1, 1983, Glen Ellen Quadrangle Special Studies Zone Maps, 1 inch = 2,000 feet.
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- National Science Foundation (NSF), *Open Topography. A Portal to High-Resolution Topography Data and Tools*, <http://www.opentopography.org/index.php>
- "Geology for Planning in the Sonoma Mountain and Mark West Riebli Road Areas," Sonoma County, California, 1971, California Division of Mines and Geology.
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- Dwyer, M. J. and others, 1976, *Reconnaissance Photointerpretation Map of Landslides in 24 Selected 7.5 Minute Quadrangles in Lake, Napa, Solano and Sonoma Counties, California*, U.S. Geological Survey Open File Map.
- Memorandum, Summary of Observations and Conclusions, Bachman Residence, Sonoma County, California, dated May 13, 2002 (revised July 11, 2002), by Giblin Associates.

Air Photos

4-21-1971, 3088-101 and 102, black and white
05-03-1961, CSH 21B-144 and 145, 169 and 170 black and white

PCL XL error

Subsystem: KERNEL

Error: IllegalOperatorSequence

Operator: SetPageScale

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SMA Steve Martin Associates, Inc.

130 South Main Street, Suite 201
Sebastopol, CA 95472
707-824-9730
707-824-9707 (fax)

606 Alamo Pintada Road #3-221
Solvang, CA 93463
805-541-9730

TRANSMITTAL

Project: **Belden Barns Winery**
Project No.: 2011014

Date: September 3, 2013



To: **Melinda Grosch**
County of Sonoma PRMD
2550 Ventura Avenue
Santa Rosa, CA 95401

Site:
APN# 049-030-010
5561 Sonoma Mountain Road
Santa Rosa, CA 95404

SENT VIA: Email Overnight Regular Mail Drop-off

Copies	Date	Description
1	08/2013	Geology & Ground Water Study by E. H. Boudreau

TRANSMITTED: For approval For your use As requested For review & comment

Dear Melinda,

See attached hard copy of the Geology & Ground Water Study prepared by E. H. Boudreau.

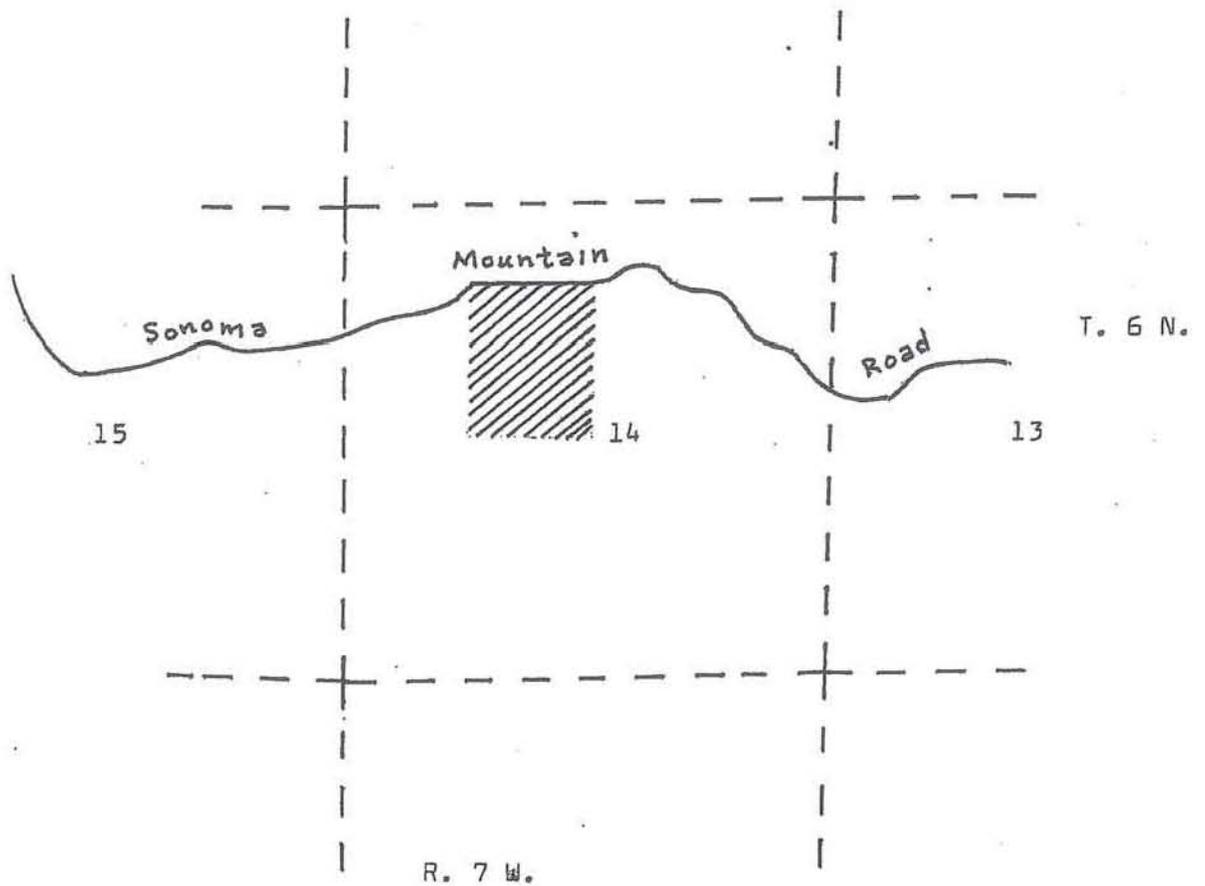
Please call if you have any questions or need additional information.

Sincerely,

Jeannie VandeWeg
Project Administrator

cc: File

GEOLOGY
&
GROUND WATER POTENTIAL
BELDEN PROPERTY
5560 Sonoma Mountain Road
Santa Rosa, California



E. H. Boudreau
Registered Geologist #3000
1209 Beattie Lane
Sebastopol, CA 95472
August 2013

INTRODUCTION

The 55-acre Belden property is located about 5 miles southeast of Santa Rosa on the south side of Sonoma Mountain Road in the northwest quarter of section 14, T. 6 N., R. 7 W., MDB&M. There are now 20 acres of vines and 2 homes on the property, along with a very good well for the homes and a reservoir for irrigation. Plans are to erect a winery that will produce 10,000 cases of wine per year; in addition to the wine 10,000 pounds of cheese and a quantity of vegetables, eggs and fruits will be produced. The Sonoma County Permit & Resource Management Department wants to know if the property can produce sufficient water for the planned operations, and how wells on neighboring properties might be affected by Belden's increase of water use. I am the geologist who has been hired to answer PRMD's questions, and this report contains my observations on the geology, ground water and wells, along with my conclusions.

GENERAL GEOLOGY

The property is situated in the heart of the Sonoma Mountains, with property elevations ranging between about 900 to 1080 feet above sea level. Soil cover and landslides mask most of the bedrock and its details from view, but there are enough outcrops and drillers' logs to give a rough picture of the geologic situation. Some information on the surface geology of the region is shown on maps included with the California Division of Mines & Geology's Special Report 120, on a scale of one mile to the inch.

Figure 1 in this report shows the property boundaries, topography, and the sites of wells and dry holes, along with the location of the geologic cross section that cuts through it in a north 28 degrees east direction that is Figure 2. Figure 2 shows the possible relationships of the rocks at depth as projected from available information.

There are 4 geologic units underlying the property, and they vary with respect to age, origin, thickness and lateral extent, structure, and water-bearing characteristics. From youngest to oldest they are landslides, the Glen Ellen Formation, the Sonoma Volcanics, and the Franciscan Formation.

Landslides

Landslides are masses of loose soil and portions of bedrock that have moved down-slope under the influence of gravity.

Glen Ellen Formation

The Glen Ellen is made up of continental sediments, mostly clay. There are some beds of sand. Maximum thickness about 400 feet.

Sonoma Volcanics

Underlying the Glen Ellen, and outcropping in the southwest corner of the property, with a great area outcropping to the south of the property, is the Mesozoic-age group of lavas and beds of tuff (volcanic ash) of the Sonoma Volcanics. This unit underlies much of eastern Sonoma and western Napa counties. It formed on an old landsurface from about 3 to 10 million years ago, and it could be over 1,000 feet thick. In between volcanic eruptions some beds of sediments were deposited.

Structure

During their long histories the rocks have been strongly deformed and broken during episodes of folding and faulting caused by stresses in Earth's crust. These actions, along with the non-uniform character of the rocks, have resulted in such a complex arrangement of the rocks that it is impossible to make exact predictions of the conditions at depth.

GROUND WATER & WELLS

All ground water in the area is derived from local rainfall that has percolated into the ground, and it exists in small pore spaces and small, open fractures in the zone of water-saturated rock below the water table. Depth to the water table varies with local geologic, topographic and hydrologic conditions. (In the Belden well I measured it at 75 feet.) Movement of the water is from high areas down to lower ones, with the levels being highest in the spring and lowest in the fall.

Belden Well

The Belden well was drilled by a previous owner after he had 3 dry holes drilled, whose depths were about 100 feet. Figure 3 is a diagram of the well, using information from the driller's log. It was drilled with air-rotary equipment to 715 feet and cased to 670. A blow test showed it to produce 500 gpm. Static level was at 120 feet when it was drilled in December 2001, while it was at 75 feet in August 2013. From 410 to 715 is in the Sonoma Volcanics, mostly lava, which was noted as "fractured" from 600 to 672.

Neighbors' Wells

There are 3 property owners to the north of Belden, across Sonoma Mountain Road. I sent each of them a questionnaire about their wells and

water usage, along with a stamped, self-addressed envelope. Only one, Raghu, replied. Also, I sent their addresses and AP numbers to the California Department of Water Resources, along with a signed PRMD form authorizing me to request drillers' logs of wells and dry holes on their properties. DWR sent me one driller's log, for the Cutler property. PRMD wants well information on neighbors' properties out to 300 feet from Belden.

Most of Raghu's answers are illegible. His present well gives 52 gpm, and 2 of his wells have gone dry since 2000. The water is high in iron, which probably contributed to plugging of the wells. No logs.

Figure 4 is a diagram of the Cutler well. It was drilled with air-rotary equipment in June 1980 to 270 feet, and cased to that depth. It is all in the Glen Ellen. Except for 30 feet of sand, the rock was clay. Static was at 65 feet, and it pumped 13 gpm for 4 hours with the pumping level at 150 feet.

Ground Water Principles

A well is successful when it penetrates permeable rock below the water table and usable amounts of water flow through the rock and into the well. The yield of the well depends on the amount of permeable rock present and its degree of permeability. If permeable rock is present, then the methods used in drilling, equipping, and developing the well often have a strong influence on its maximum yield, its operating characteristics, and its useful lifespan.

Permeability is a measure of the ease with which water moves through rock, and it is dependent on the amount and size of the pore spaces, or other openings, in the rock, and on how interconnected they are. The amount of water that a rock contains may have no bearing at all on how much it will yield, as a damp clay or shale can be more than 20% water by weight and still yield almost none of it to a well because the water is held in the rock by capillary forces. Clean sand and gravel have good permeability because of the great amount of pore space between the grains and the relatively large size of the pores.

As many formations are so highly consolidated (a result of original composition, cementation, and/or compaction), they have very little primary, or intergranular, porosity and permeability such as occur in loose sand and gravel. Successful wells in these formations usually have penetrated zones in the harder and more brittle types of rock (such as sandstone, chert, lava, some tuffs, granitics, and some metamorphics) in which faulting and/or fracturing have created some secondary porosity and permeability in the form of small, open fractures.

Usually, shale, serpentine, and clayey tuff do not contain open fractures because their softer and semi-plastic natures cause the breaks present in them to be squeezed shut by the pressure of the overlying rock; so, these rocks yield little or no water to wells.

There is no way outside of drilling to locate the exact positions of water-bearing fractures and to measure their yields; as the fracture pattern can be very erratic. The yield of a well in consolidated rock depends on the number, width, and extent of the fractures penetrated, and a dry hole will result if there are no open fractures. Many wells in such hard rock yield only a few gallons per minute, but there are some that produce hundreds.

Initial yields will decrease with sustained pumping if the permeable rock is only a small mass surrounded by impermeable rock (such as clay or shale) that blocks recharge of the pore spaces or fractures. At most, fractures make up only a few percent of the total volume of the rock, but that can be a large amount.

When exploring in essentially massive rock for small water-bearing fractures, a depth of about 300 feet is considered to be the point of diminishing returns for a domestic-type well. This is because the increasing pressure tends to seal off deep fractures.

It is impossible in advance of drilling to predict exactly how much usable water will be found beneath the surface, although with enough of the right information on the geologic conditions some rather accurate estimates can be made. As a great many wells have been drilled in the different formations in California, the general ranges in their water-bearing potential are known.

With favorable geology being what governs the availability of water in the ground, it follows that the most practical exploration technique that can be used in searching for usable amounts of it is to try to drill into the most potentially permeable rock available, and to avoid drilling in obviously impermeable rock. In complex situations, such as exist in many of the formations (either because of the way they were formed of mixtures of impermeable and permeable or potentially permeable rock, or because of intricate structure caused by folding and/or faulting), deciding to drill involves taking more or less of a risk; so, the new information being developed as the drilling proceeds must be studied and interpreted right along to see if further drilling is warranted.

If the rock is strong enough to stand in an open hole, then the air-rotary (using compressed air to remove the rock chips) is to be preferred over the mud-rotary (circulating a stream of water to which clay has been added) method

of drilling. With air, the locations, yields, and quality of the water-bearing zones can be known. Also, there is no risk of plugging the pore spaces or fractures with drilling mud and thus sealing off part of the water.

If mud must be used because of caving conditions in the hole, then it is best to use a self-destructing chemical mud rather than the commonly used bentonite clay. Before the well is cased, geophysical logs can be run to identify the permeable zones (gamma-ray or resistivity logs). A careful record should be kept of the rocktypes and their locations in the well, as with signs of water, so that the well can be properly designed. Periodic bail-testing of the well will help to identify permeable zones and their yields if mud is used to drill with.

Drilling mud should be flushed out with clean water before gravel packing, and development work should continue until the yield ceases to increase.

For maximum efficiency in sand and gravel, well screen should be used instead of perforated casing. Screen provides more open area, and the slot openings can be matched to the size of the sand or gravel. Also, it allows for a quicker and more thorough job of development.

Belden Water Use

Water for the vineyard of 20 acres having 20,000 vines using one gallon of water per day for 150 days in the year comes to 3,000,000 gallons per year, or 9.2 acre-feet. All of this water is surface water from the pond on the property.

Three people live in the newest home, which has no landscaping. Average water use per person in Sonoma County is 150 gallons per day, and so this is a ground water use of 0.5 acre-foot per year of ground water.

Neighbors' Water Use

For the 3 neighbors, 9 people could use 1.5 acre-feet of ground water per year for household purposes, although Raghu says he uses his well only for irrigation, but gave no figure for that.

Belden Proposed Water Use

Belden projects his peak yearly water use (domestic sanitary and process waste water flows) to be about 1.5 acre-feet per year, which will be gotten from the well.

Neighbors' Proposed Water Use

The neighbors did not supply any information.

Ground Water In Storage

Rainfall in the study area is about 2.5 acre-feet per year, or 138 acre-feet for the Belden property. If only 10% of this were available for ground water recharge this would be 14 acre-feet, 7 times highest use.

The 37 feet of sand and pumice in the Glen Ellen could be 20% water, for 385 acre-feet under the 55 acres. For the 225 feet of fractured lava with 5% water in storage, that comes to 260 acre-feet. Total water in storage to the depth of the Belden well about 645 acre-feet.

Inflow from the great area of Sonoma Volcanics to the south, and along Matanzas Creek, could amount to much more.

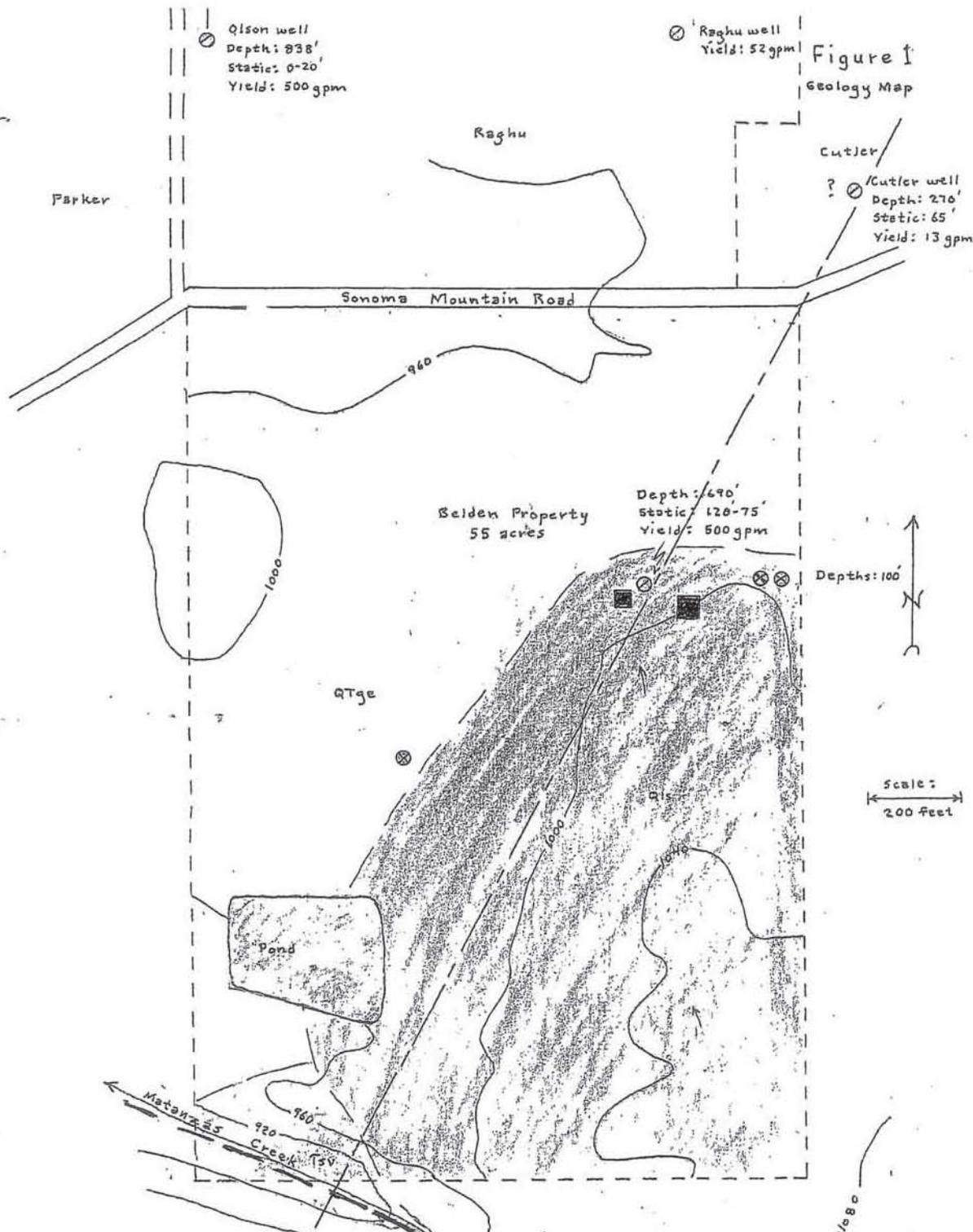
During the 1976-77 drought all the towns on surface water had to go on water rationing, while all the towns on ground water had no rationing.

SUMMARY & CONCLUSIONS

The Belden property is underlain by aquifers in the Glen Ellen Formation and the Sonoma Volcanics that might hold about 645 acre-feet of water. More water could probably be developed by drilling deeper in the Sonoma Volcanics. The water level in the Belden well has not dropped since it was drilled in 2001. The proposed increase in ground water is a mere 1.5 acre-feet. I do not see any problem with ground water availability related to the wine and cheese making in the future, for both Belden and his neighbors.

E. H. Bondreau
Registered Geologist
#3000

Figure 1
Geology Map



- LEGEND**
- Landslide
 - Glen Ellen Formation
 - Sonoma Volcanics
 - Franciscan Formation
 - Geologic contact
 - Fault
 - Well
 - Dry hole

Figure 2
Cross Section

N 28° E →

← 5.28° W

← Belden Property →

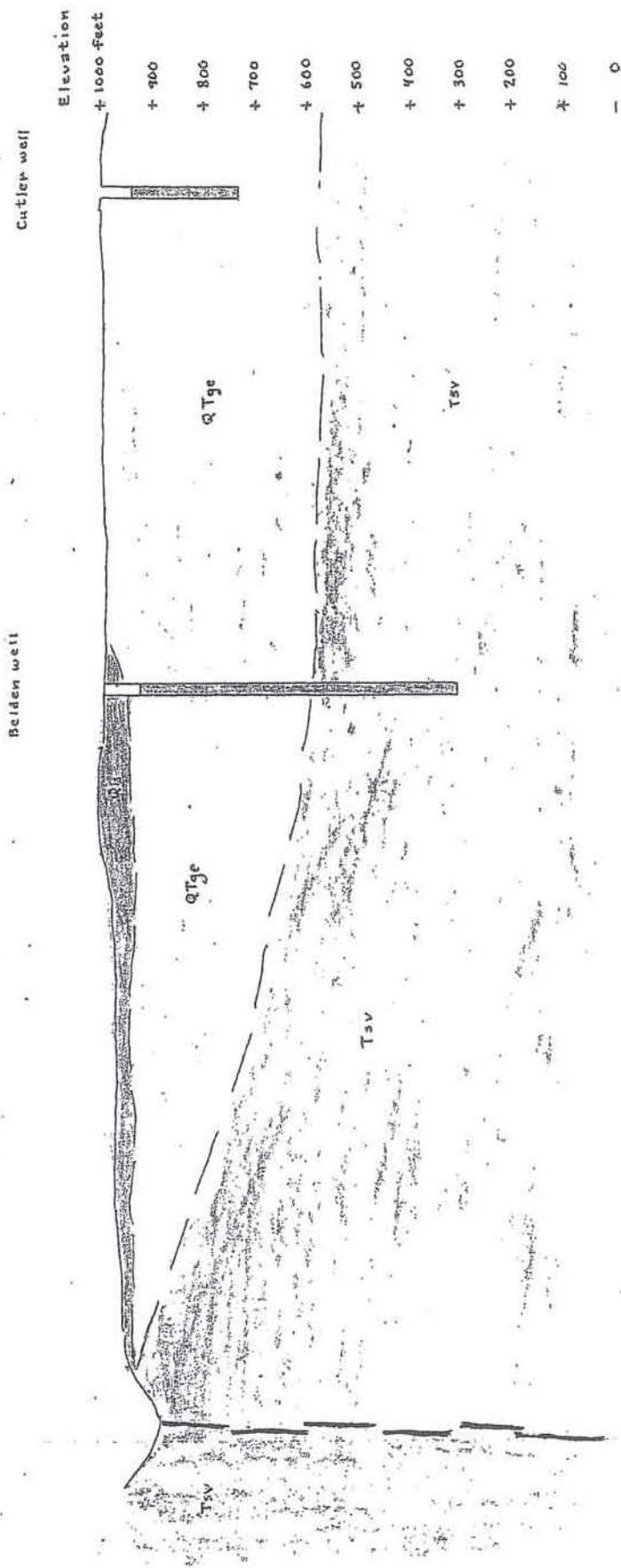


Figure 3
Well Diagram

Belden well
Fisch Brothers Drilling
Mud rotary drilled, December 2001
Tested 500 gpm with 500 feet of drawdown

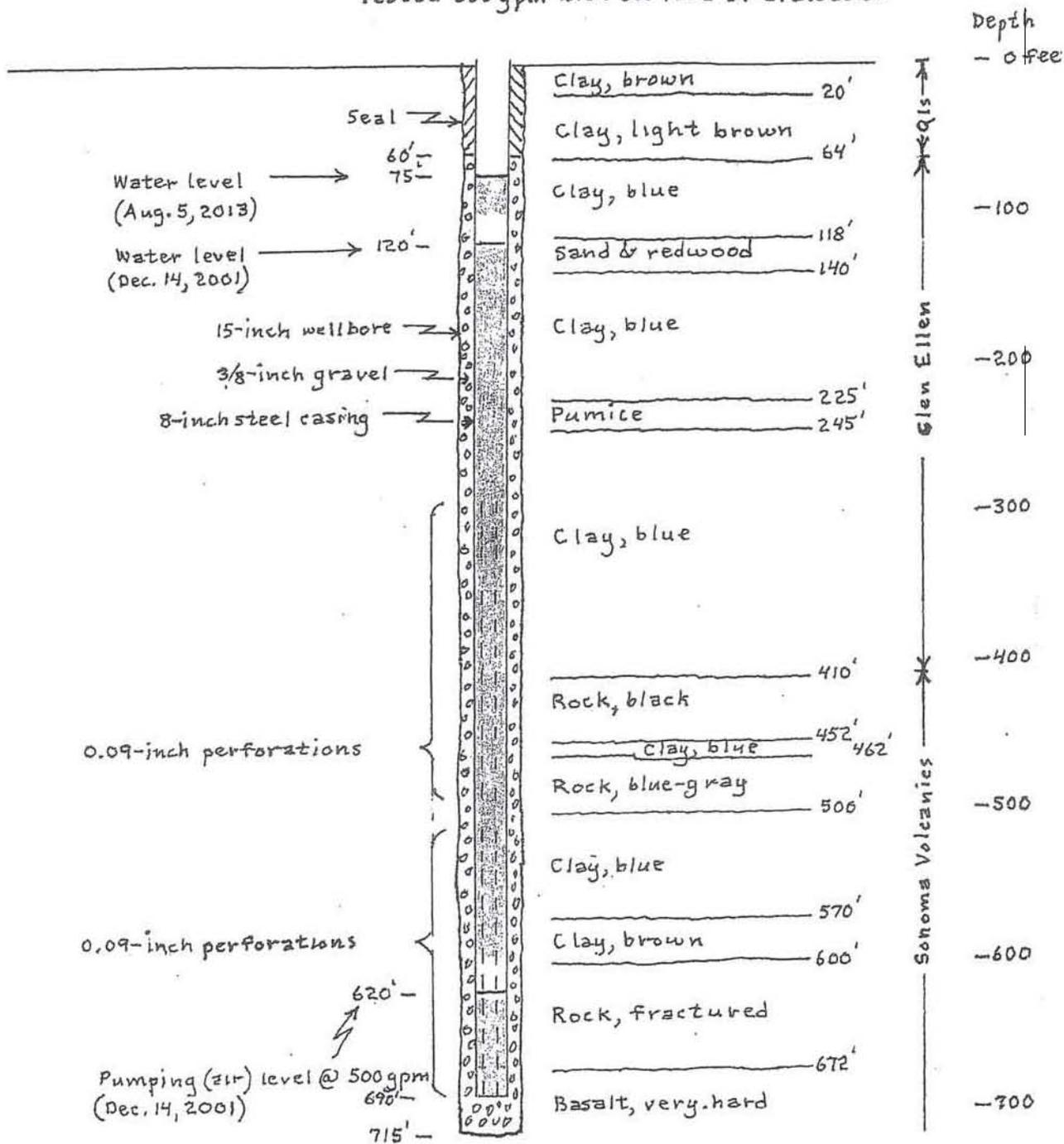
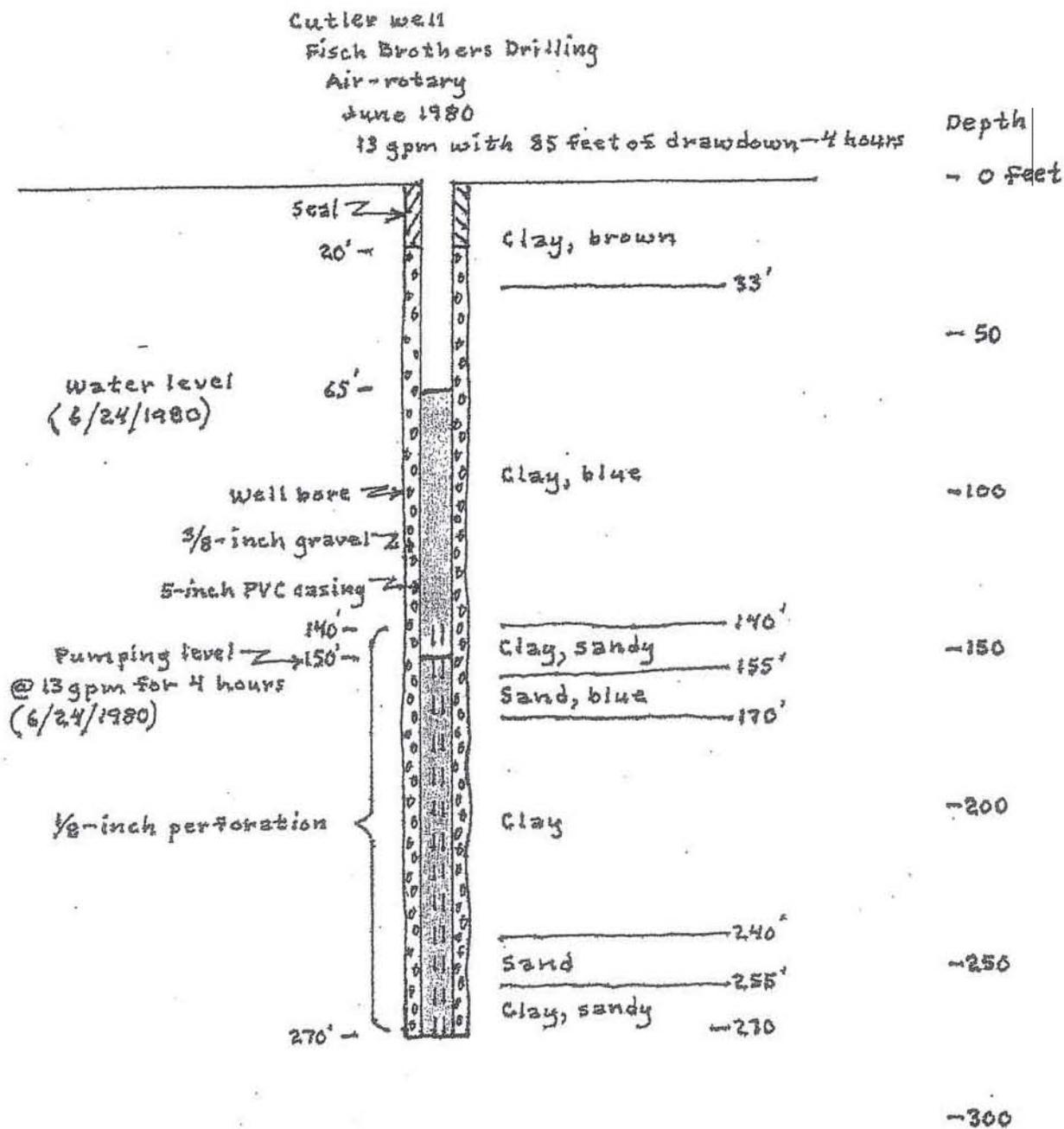


Figure 4
Well Diagram



August 16, 2013

E. H. Boudreau
1209 Beattie Lane
Sebastopol, CA 95472

California Department of Water Resources
3500 Industrial Blvd.
West Sacramento, CA 95691

Dear Sirs:

Please send me copies of all the drillers' logs you have for wells and dry holes on the below listed properties, all of which are located in section 14, T. 6 N., R. 7 W., MDB&M.

5412	Sonoma Mountain Road, Santa Rosa, CA	AP#049-030-061
5545	" " " " "	049-030-095
5561	" " " " "	049-030-010
5650	" " " " "	055-130-012
5650	" " " " "	049-030-096

Sincerely,

E. H. Boudreau
Registered Geologist
#3000

DEPARTMENT OF WATER RESOURCES

NORTH CENTRAL REGION OFFICE
3500 INDUSTRIAL BOULEVARD
WEST SACRAMENTO, CA 95691



August 20, 2013

Mr. Eugene H. Boudreau
1209 Beattie Lane
Sebastopol, California 95472

Dear Mr. Boudreau:

In response to your request, enclosed are copies of the Well Completion Reports for the wells at the following project:

Belden Barns Winery & Farmstead
Well Completion Report Numbers: 808728, 084200.

If you need additional information or have any questions, please contact Oleg Yakimov at (916) 376-9612 or fax (916) 376-9676.

Sincerely,

A handwritten signature in cursive script that reads "Dean R. Crippen".

Dean R. Crippen, P.E., Chief
Groundwater Supply Assessment
And Special Studies Section

Enclosure

August 16, 2013

E. H. Boudreau
1209 Beattie Lane
Sebastopol, CA 95472
Tel. (707) 824-8241

Dear Sir:

Nathan Belden, your neighbor at 5561 Sonoma Mountain Road, plans to build and operate a small winery on his property, along with some other activities. (See enclosed proposal.) Water for his vineyard comes from a pond, and a 690-foot well that tested 500 gpm will serve the other activities and residential use.

The Sonoma County Planning Department wants to know if he has enough water to support his proposed operations, and I am the geologist who has been hired to do the study, and as PRMD also wants to know how wells on neighboring properties might be affected by increased water use on the Belden property I have to collect information on them. So, I am sending you this questionnaire, with a self-addressed envelope, in hopes that you will fill it out and return it to me. My report will be available to the public when it is finished and submitted to PRMD.

Sincerely,

E. H. Boudreau

Registered Geologist #3000

WATER WELL INFORMATION

Well owner:

Address:

Number of wells, dry holes, abandoned wells, and springs on the property
(Please locate on accompanying map):

Well use: Household Irrigation Livestock

Number of people served by well or wells:

Approximate amount of water used per year:

Years wells and dry holes were drilled:

Name of well drilling company:

Are drillers' logs available for the wells and dry holes? (If so, please
enclose copies.)

Well data:

Total depth: Cased depth: Method of drilling:

Static level (water table) when drilled:

Dates of other static level measurements, and levels:

Well yield in gallons per minute when drilled:

Present well yield:

Water quality:

Redevelopment work done on well, and results:

Reasons for abandoning any wells:

Seasonal fluctuation in the water table over the years:

May I measure the water level in your well? (Call 824-8241)

Comments:

How has your well performed during droughts?

Notes: Drillers' logs of wells and dry holes are on file with the
county Permit & Resources Management Department in Santa Rosa, and
also with the California Department of Water Resources in Sacramento.
Contact DWR at (916) 227-7632 and talk to Ann Roth. Also, well drillers
have copies of the logs.

October 11, 2013

E. H. Boudreau
1209 Beattie Lane
Sebastopol, CA 95472

Sonoma County Permit & Resource Management Dept.
2550 Ventura Avenue
Santa Rosa, CA 95403

Sirs:

PRMD says that my report of August 2013 for the Belden property does not have information on water use for the vineyard and the proposed winery, cheese factory, vegetable garden, fruits and animals.

First, the vineyard is irrigated with water from an pond that captures surface water. The pond covers an area of about 1.5 acres. Ground water is not pumped for the vineyard.

Second, the winery will use about 0.4 acre-foot of water per year, about which about half might percolate down into the ground water, from which it was pumped.

Third, the cheese factory will generate about 0.06 acre-foot of water per year, of which about half might percolate down into the ground water, from which it will come. Most of the milk will come from off-site.

Fourth, the garden and orchard might use one or two acre-feet per year. Two homes an acre-foot.

Fifth, the pasture would support 2 cows and 10 sheep, at 10 gpd for each cow and one gpd for each sheep, or 0.03 acre-foot per year.

So ground water net use could be about 2.26 acre-feet per year, as against an estimated 14 acre-feet of recharge on the property, 3.26 AF max.

Matanzas Creek is 1400 feet to the south of the Belden well, so I don't any interference with its flow from pumping of the Belden well.

E. H. Boudreau
Registered Geologist
#3000

May 31, 2012

Mr. Steve Martin
Steve Martin Associates
130 South Main Street, Suite 201
Sebastopol, CA 95472

Focused Traffic Study for the Belden Barns Winery Project

Dear Mr. Martin;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has prepared a traffic analysis relative to the proposed winery to be located at 5561 Sonoma Mountain Road in the County of Sonoma. The purpose of this letter is to address the likely trip generation of the proposed project as well as adequacy of the parking supply. The traffic study was completed in accordance with the Traffic Study Guidelines established by the County of Sonoma.

Project Description

The proposed Belden Barns Winery project consists of the development of a winery capable of producing 10,000 cases of wine and 10,000 pounds of cheese annually together with a tasting room that would be open daily. It is anticipated that 5,000 cases of wine would be produced from grapes grown on site, while the remaining 5,000 cases will come from grapes grown at local vineyards. It is also anticipated that half of the cheese will be made from milk produced by cows, sheep and goats raised on the property, while the other half of the milk will be imported. Participation in up to ten special events is proposed annually. The tasting room is proposed to be open from 10:00 a.m. to 5:00 p.m. daily, while winery operations would typically be between 7:00 a.m. and 6:00 p.m. Access to the project will be via an existing driveway on the south side of Sonoma Mountain Road approximately 1.5 miles east of Pressley Road.

Existing Conditions

Sonoma Mountain Road is classified as a Rural Minor Collector in the *Sonoma County General Plan 2020*. East of Pressley Road and in the vicinity of the project site, Sonoma Mountain Road is narrow, approximately 20 feet wide, running east-west with no center line or edge line striping. Based on counts obtained on April 26-30, 2012, west of the project site, Sonoma Mountain Road has an average daily traffic (ADT) volume of approximately 360 vehicles during weekdays and 340 vehicles during weekend days. The posted speed limit for Sonoma Mountain Road is 40 miles per hour (mph). Speed data was collected near the project site's driveway and it was determined that the 85th percentile speed for westbound traffic approaching the driveway was 40 mph, while eastbound travel had a critical speed of 39 mph. The 40 mph posted speed limit was utilized for analysis purposes.

A 20-acre vineyard currently exists on the site, of which four acres are being re-planted. Additionally, three single family houses and a guest house exist on the site. Of the three single family houses, one is proposed to be demolished and replaced with a new single family house/hospitality building, one will be removed and replaced by two new residences attached to the winery building while the remaining

residential unit will remain unchanged. The existing guest house will also remain unchanged. The site also has an existing barn and dance hall that are proposed to be renovated.

Collision History

The collision history for the study segment of Sonoma Mountain Road from Pressley Road to the project driveway was reviewed to determine any trends or patterns that indicate a safety risk that may be exacerbated by the addition of project traffic. The average annual collision rate was calculated based on records for January 2006 through December 2010 obtained through the California Highway Patrol and published in their *Statewide Integrated Traffic Records System (SWITRS)* reports.

The 1.5-mile segment of Sonoma Mountain Road had two reported collisions over the five-year study period for a calculated collision rate of 1.97 collisions/million vehicle miles (c/mvm). The statewide average collision rate for a rural two-lane road with a speed limit of less than 55 mph is 2.24 c/mvm. The calculated collision rate is lower than the statewide average for similar roadway segments, indicating that the roadway is operating within normal safety parameters. A copy of the spreadsheet showing the derivation of actual and statewide collision rates is enclosed.

Trip Generation

The County's Winery Trip Generation form, which is enclosed, was completed in order to determine the proposed winery site's trip generation potential under both existing and proposed conditions. This form includes details relative to the anticipated production of cheese as well as the winery operation, and indicates that the winery will have a staff of eight persons who would be expected to generate an average of three trip ends each, or 24 trip ends total, per weekday. Truck traffic is expected to contribute an average of one trip end per weekday.

In addition, the tasting room will have one employee, generating an average of three trips per day. An average of 42 visitors per day is expected for tasting, with a high of 60 tasters during the summertime months and a low of about 30 visitors during December. Based on the average vehicle occupancy of 2.5 visitors per vehicle, 33 daily trips are expected due to tasting. Data 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 generated winery trips occur during the p.m. peak hour and 13 percent during the weekend midday peak.

For purposes of estimating the number of trips associated with the three existing single family houses, *Trip Generation*, 8th Edition, Institute of Transportation Engineers, 2008, was used. Based on rates for Single Family Detached Housing (Land Use #210), a residence is expected to generate an average of about ten daily trips. Trips associated with the three existing single family houses are already included in existing background volumes and were therefore not considered to be new trips; however, these trips were included in the analysis of driveway operations. Since the existing guest house is not occupied on a consistent basis, it was not included in the trip generation estimate for existing conditions.

As shown in Table I, the proposed winery project would be expected to generate an average of 71 new trip ends per day, including 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

**Table I
Trip Generation Summary**

Trip Type	Unit	Daily		Weekday PM Peak			Weekend Midday Peak		
		Rate	Trips	Trips	In	Out	Trips	In	Out
Existing									
Single Family Home	3	9.57	30	3	3	0	3	3	0
Proposed									
Winery Employees	8	3	24	8	0	8	0	0	0
Truck Traffic	n/a	n/a	1	0	0	0	0	0	0
Tasting Visitors	42	0.8	33	3	1	2	4	2	2
Tasting Employees	1	3	3	1	0	1	1	1	0
Single Family Home	4	9.57	40	4	4	0	4	4	0
Total Proposed Trips			101	16	5	11	9	7	2
Total New Trips			71	13	2	11	6	4	2

Note: Trip generation does not include special events

Special Events

A total of ten special events are proposed at the project site. As indicated on the enclosed "Event Schedule" forms, two 200-person winery events per year are proposed along with three 125-person winery events and five 60-person winery events. It was assumed that a maximum sized 200-person event would require a staff of ten. Using an occupancy of 2.5 persons per vehicle for guests and solo occupancy for staff, a maximum sized 200-person event would be expected to generate 180 trip ends at the driveway, including 90 inbound trips at the start of the event and 90 outbound trips upon its conclusion.

Site Access

Access to the project will be provided via an existing driveway on Sonoma Mountain Road. Based on Sonoma County Fire Safe Standards, the driveway would need to be 20 feet wide for two-way access; however, the driveway width may be reduced to ten feet wide with a minimum vertical clearance of 15 feet if turnouts are provided every 400 feet or approximately midway if the total driveway is less than 800 feet long. Based on the site plan provided it is understood that the driveway will retain its existing width of 12 feet, while the roadway segment providing access to the new winery building is proposed to be 16 feet wide. It is therefore recommended that all internal roadways either be widened to a 20-foot cross section or include the appropriate number of turnouts to meet standards established by Sonoma County.

Sight Distance

Sight distance from the project's driveway on Sonoma Mountain Road was evaluated based on criterion contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines recommend sight distances at

intersections, including stopping sight distances for drivers traveling along the major approaches, and sight distances for drivers of vehicles stopped on 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 compared to turning right.

For a 40-mph design speed, sight distance to the west of at least 385 feet is needed to complete an outbound right turn. From the location of the existing driveway, sight distance to the west extends beyond 700 feet, resulting in more than adequate sight distance for the outbound right turn maneuver.

To complete an outbound left turn, which is expected to be the predominant movement for project traffic, 445 feet of sight distance is required, but clear sight lines of only approximately 400 feet are available. The sight lines are obstructed by vegetation along the north side of a road located approximately 400 feet east of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway be cleared to achieve at least 445 feet of sight distance.

Also measured was the stopping sight distance along the westbound Sonoma Mountain Road approach to determine if there is adequate sight distance available for a driver to react to a vehicle stopped in the through lane while waiting to complete an inbound left-turn movement. This would require 305 feet of sight distance, and 400 feet is available, which is adequate for speeds of up to 45 mph.

Any planned vegetation or frontage improvements that may be installed as a component of the project should be low lying or located back from the roadway to avoid further reducing sight lines.

Turn Lane Warrants

The need for turn lane channelization on Sonoma Mountain Road at the project driveway 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 an update of the methodology developed by the Washington State Department of Transportation.

Including all existing residential traffic and agricultural traffic, it is estimated that approximately 17 trips would occur during the weekday p.m. peak hour, of which up to five could be inbound trips, while during the weekend midday peak hour ten are expected to occur including eight inbound trips. Despite current traffic volumes on Sonoma Mountain Road being fairly evenly split in the eastbound and westbound directions, it is expected that the majority, if not all, of inbound project-related trips would access the site via eastbound right turns. However, to provide a worst-case scenario it was assumed that all inbound trips would access the site via a westbound left-turn.

Based on the 40 mph posted speed limit and current Sonoma Mountain Road segment volumes near the driveway a left-turn lane would not be warranted during either the weekday p.m. or weekend midday peak periods.

Because inbound right turns are expected to dominate, analysis was performed that indicates that assuming all inbound trips are eastbound right turns, which is likely; neither a right turn lane nor taper would be warranted. Copies of the turn lane warrant calculation sheets are enclosed.

Internal Circulation

The ability for drivers of large vehicles to maneuver through the site was examined using the AutoTURN analysis software to simulate vehicle turning movements. Through discussions with the applicant, it is understood that the largest truck expected to access the site would be a bottling line truck. A heavy-duty ten-wheel truck was used to simulate the bottling line truck.

Based on the AutoTURN analysis it was determined that bottling line trucks would be able to enter and exit the site without the need for widening at the existing driveway location. On-site roadways are also expected to be sufficient to accommodate the circulation of the evaluated bottling line truck. Drivers of these larger trucks will need to utilize the truck turnaround area located south of the existing barn to complete the full circuit. A figure of the site plan showing maneuvering of the evaluated bottling line truck is enclosed.

Parking Adequacy

Daily Operations

The project site plan shows a total of 96 on-site spaces, including 16 permanent spaces for staff and visitors and 80 temporary spaces for attendees of special events.

Assuming that each employee drives to work in their own vehicle, nine spaces would be needed to accommodate the employees associated with daily winery and tasting room operations. Data collected by W-Trans to develop winery tasting room rates was also used to develop the parking demand for the project. Based on this information, it was assumed that an average of 25 percent of the 17 daily vehicles associated with the tasting room visitors, or five vehicles, would be parked on-site during any single hour; therefore, a maximum of 14 spaces might be needed to accommodate the typical daily parking demand.

The project as proposed provides a total of 16 permanent parking spaces, which would accommodate the typical guest and employee parking demand, with a surplus of two spaces.

Special Events

A maximum-sized special event with 200 guests would be expected to generate need for 80 parking spaces, plus an additional ten spaces for employees for a combined total of 90 parking spaces. Assuming that typical daily operations, such as tasting room visitors, would cease during participation of a maximum-sized special event, the proposed 96 permanent and temporary parking spaces would be able to accommodate the demand for event parking.

Conclusions and Recommendations

- The 1.5-mile segment of Sonoma Mountain Road from Pressley Road to the project driveway has a collision rate that is lower than the average rate for similar facilities statewide.
- The proposed project would generate an average of 71 new daily trip ends over existing levels, which includes 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.
- Ten special events are proposed annually with attendance levels ranging from 60 to 200 people.

- It is recommended that all internal roadways be widened to a 20-foot cross section or else the appropriate number of turnouts should be constructed to meet standards established by Sonoma County.
- Sight distance at the project driveway is adequate for outbound right-turn and inbound left-turn movements, but is inadequate for outbound left-turn movements until vegetation is cleared.
- If vegetation is removed along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- Under the conservative assumption that all inbound trips would be made via left turns, a westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway.
- Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway.
- It is expected that the proposed site configuration will accommodate a heavy-duty 10-wheel bottling line truck.
- The proposed parking supply will be adequate to meet expected demands for employees, tasting room visitors and special event attendees.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,

Chris Helmer
Transportation Planner

Dalene J. Whitlock, PE, PTOE
Principal

DJW/ch/SOX441.L1

Enclosures: Collision Rate Spreadsheet
Belden Barns Winery Trip Generation Form
Special Event Schedule Form
Turn Lane Warrants
Vehicle Maneuvering Drawing

SEGMENT COLLISION RATE CALCULATIONS

Belden Barns Winery

Location: Sonoma Mountain Rd from Pressley Rd to the Project Driveway

Date of Count: Friday, April 27, 2012
 ADT: 370

Number of Collisions: 2
 Number of Injuries: 1
 Number of Fatalities: 0
 Start Date: January 1, 2006
 End Date: December 31, 2010
 Number of Years: 5

Highway Type: Conventional 2 lanes or less
 Area: Rural
 Design Speed: <=55
 Terrain: Rolling/Mountain

Segment Length: 1.5 miles
 Direction: East/West

NUMBER OF COLLISIONS x 1 MILLION

ADT x 365 DAYS PER YEAR x SEGMENT LENGTH x NUMBER OF YEARS

	2	x	1,000,000				
	370	x	365	x	1.5	x	5

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.97 c/mvm	0.0%	50.0%
Statewide Average*	2.24 c/mvm	2.2%	46.0%

ADT = average daily traffic volume
 c/mvm = collisions per million vehicle miles
 * 2007 Collision Data on California State Highways, Caltrans

Winery Trip Generation

Winery: Belden Barns Winery
 Location: 5561 Sonoma Mountain Road
 Annual Full Production: 10000 cases of wine & 10,000 lbs of cheese

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	0	6	12	—	0	18	36	—
Cellar / Storage	0	0	0	—	0	0	0	—
Administrative	0	2	4	—	0	6	12	—
Sales	0	0	0	—	0	0	0	—
Bottling	0	0	—	0	0	0	—	0
Other staff (describe):					0	0	0	0
Totals	0	8	16	0	0	24	48	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation		
Truck loads per year: 7; 7 truck(s) at 12 tons/truck	0.00	0.05
Dates of Activity: August through October		
Juice Importation		
Truck loads per year: None	0.00	0.00
Dates of Activity:		
Juice/Fruit Exportation		
Truck loads per year: None	0.00	0.00
Dates of Activity:		
Pomace Disposal		
Truck loads per year: 0; and 0 truck(s) at 0 tons/truck	0.00	0.00
Dates of Activity: August through October		
Disposed: on-site		
Bottle Delivery		
Truck loads per year: 5 truck(s) at 1904 cases/truck	0.00	0.04
Dates of Activity: January through June		
Barrel Delivery		
Truck loads per year: 1 truck(s) at 100 barrels/truck	0.00	0.01
Dates of Activity: July through September		
Finished Wine Transportation to storage/sales		
Truck loads per year: 10 truck(s) at 984 cases/truck	0.00	0.08
Dates of Activity: January through December		
Less Backhauls		
Truck loads per year: -3 truck(s)	0.00	-0.02
Dates of Activity: January through December		
Miscellaneous trips		
Truck loads per year: 122 trucks	0.00	0.92
Dates of Activity: January through December		
Totals	0.00	1.08

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (In average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	1	1	3	3
Vineyard Maintenance: Peak Season	0	0	0	0
Totals	1	1	3	3

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	42	0	33
Tasting Room Employees	0	1	0	3
Totals	0	43	0	36

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	N/A	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	N/A	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	N/A	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-5:00pm	N/A	7:00 am-6:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 5:00 pm	N/A	6:00 am-8:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic	0	2
Special Events		
Other Trips (If Applicable)		
None		
Totals	0	2

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	0	24
Winery and Cheese Operations (truck traffic)	0	1
Vineyard Operations (employees)	3	3
Tasting Room Traffic (employees and visitors)	0	36
Event Traffic (employee and visitors)	0	2
Miscellaneous other traffic generators	0	0
Totals	3	66

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	57	57	69	65	66	72

Month	July	August	September	October	November	December
Total Trips	81	102	93	106	61	57

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 200 Guests**

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									
Saturdays												
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.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.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

For Saturday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 125 Guests**

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									
Saturdays						1						
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.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.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	125											125
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	125											125
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	125											125
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 60 Guests**

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				1								1
Sundays							1					

Estimated activity for typical (max?) event	7 to 10 a.m.	10 a.m. to 9 p.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.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

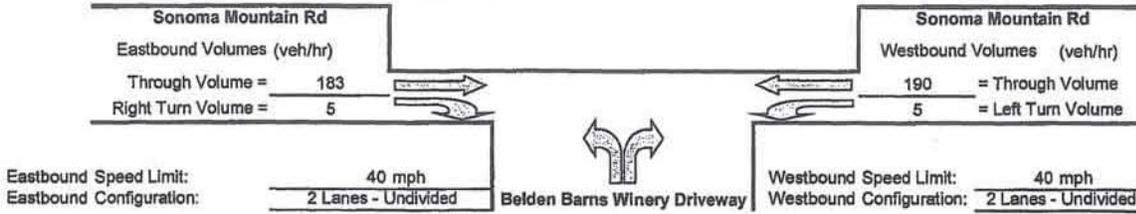
For Sunday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Barns Winery Driveway
 Study Scenario: Existing plus Project - Weekday PM Peak Hour

Direction of Analysis Street: East/West

Cross Street Intersects: From the South



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = 1012.6
 Advancing Volume Va = 188
 If $AV < Va$ then warrant is met **No**

Right Turn Lane Warranted: NO

Eastbound 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 = 188
 If $AV < Va$ then warrant is met **-**

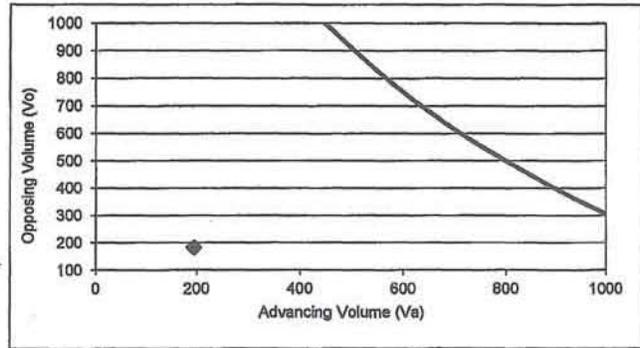
Right Turn Taper Warranted: NO

Westbound Left Turn Lane Warrants

Percentage Left Turns %lt 2.6 %

Advancing Volume Threshold AV 1151 veh/hr

If $AV < Va$ then warrant is met



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

Left Turn Lane Warranted: NO

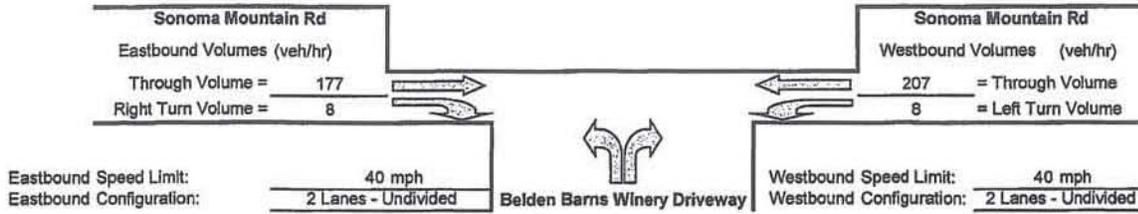
Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroorty in 1991.

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Barns Winery Driveway
 Study Scenario: Existing plus Project - Weekend Midday Peak Hour

Direction of Analysis Street: East/West

Cross Street Intersects: From the South



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold AV = 990.1
 Advancing Volume Va = 185
 If $AV < Va$ then warrant is met **No**

Right Turn Lane Warranted: NO

Eastbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

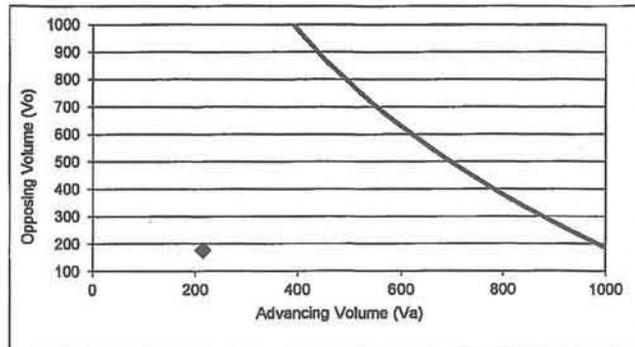
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold AV = -
 Advancing Volume Va = 185
 If $AV < Va$ then warrant is met **-**

Right Turn Taper Warranted: NO

Westbound Left Turn Lane Warrants

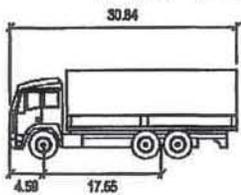
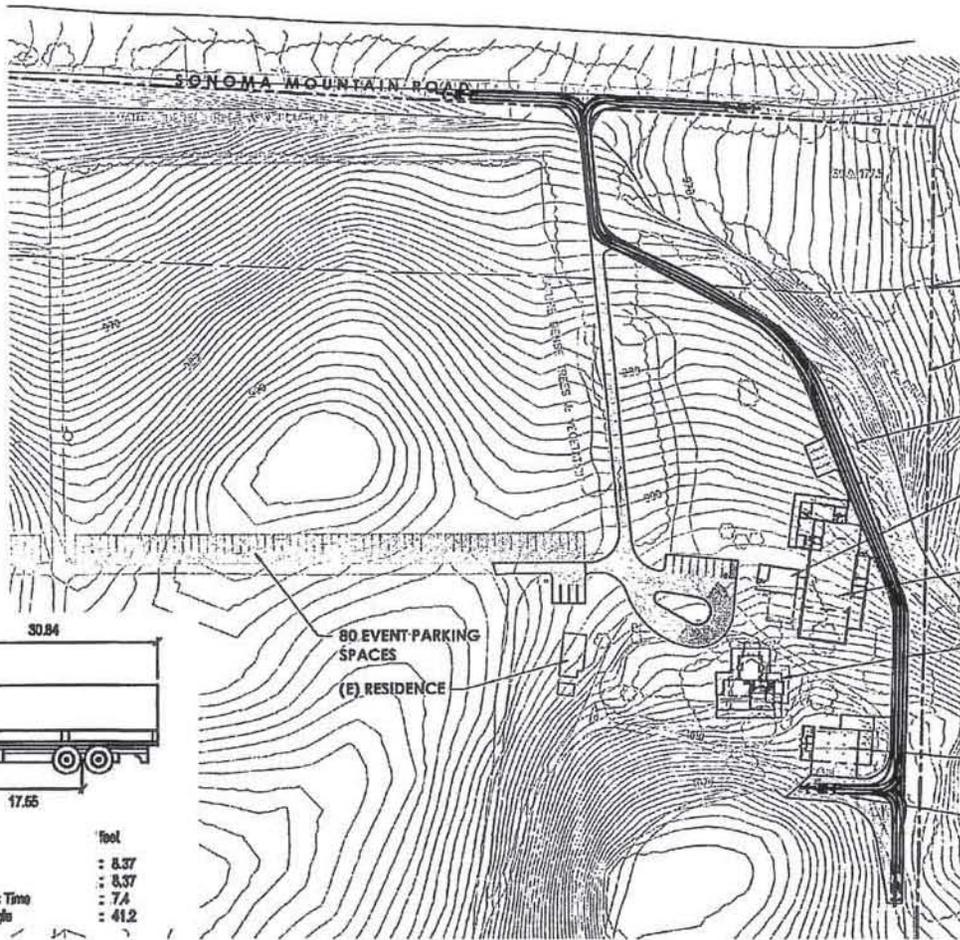
Percentage Left Turns %lt 3.7 %
 Advancing Volume Threshold AV 1009 veh/hr
 If $AV < Va$ then warrant is met



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 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.



LOS	foot
Width	: 8.37
Track	: 8.37
Lock to Lock Time	: 7.4
Steering Angle	: 41.2



**Whitlock & Weinberger
Transportation, Inc**
490 Mendocino Ave, Suite 201
Santa Rosa, CA
(707)542-9500 Fax (707)542-9590

Belden Barn Winery AutoTURN Analysis

DRAWN: SL	SCALE: 1"=200'
DESIGN:	DATE: 5/23/12
SHEET 1 of 1 SHEETS	JOB NO.



August 19, 2013

Mr. Steve Martin
Steve Martin Associates
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Sebastopol, CA 95472

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Santa Rosa, CA 95401

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Focused Traffic Study for the Belden Barns Winery Project

Dear Mr. Martin;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has prepared a traffic analysis relative to the proposed winery to be located at 5561 Sonoma Mountain Road in the County of Sonoma. The purpose of this letter is to address the likely trip generation of the proposed project as well as adequacy of the parking supply. The traffic study was completed in accordance with the Traffic Study Guidelines established by the County of Sonoma.

Project Description

The proposed Belden Barns Winery project consists of the development of a winery capable of producing 10,000 cases of wine and 10,000 pounds of cheese annually together with a tasting room that would be open daily. It is anticipated that 5,000 cases of wine would be produced from grapes grown on site, while the remaining 5,000 cases will come from grapes grown at local vineyards. It is also anticipated that half of the cheese will be made from milk produced by cows, sheep and goats raised on the property, while the other half of the milk will be imported. Participation in up to ten special events is proposed annually. The tasting room is proposed to be open from 10:00 a.m. to 5:00 p.m. daily, while winery operations would typically be between 7:00 a.m. and 6:00 p.m. Access to the project will be via an existing driveway on the south side of Sonoma Mountain Road approximately 1.5 miles east of Pressley Road.

Existing Conditions

Sonoma Mountain Road is classified as a Rural Minor Collector in the *Sonoma County General Plan 2020*. East of Pressley Road and in the vicinity of the project site, Sonoma Mountain Road is narrow, approximately 20 feet wide, running east-west with no center line or edge line striping. Travel speed and traffic count data was obtained using machine counters on April 26-30, 2012, west of the project site. Based on the data collected, Sonoma Mountain Road has an average daily traffic (ADT) volume of approximately 360 vehicles during weekdays and 340 vehicles during weekend days.

Although there is no posted speed limit for Sonoma Mountain Road near the proposed winery's frontage, the *prima facie* speed limit is 55 mph. However, based on speed data collected, the 85th percentile speed for traffic approaching the driveway was found to be approximately 40 mph. Therefore, 40 mph was utilized for analysis purposes.

A 20-acre vineyard currently exists on the site, of which four acres are being re-planted. Additionally, three single family houses and a guest house exist on the site. Of the three single family houses, one is

proposed to be demolished and replaced with a new single family house/hospitality building, one will be removed and replaced by two new residences attached to the winery building while the remaining residential unit will remain unchanged. The existing guest house will also remain unchanged. The site also has an existing barn and dance hall that are proposed to be renovated.

Collision History

The collision history for the study segment of Sonoma Mountain Road from Pressley Road to the project driveway was reviewed to determine any trends or patterns that indicate a safety risk that may be exacerbated by the addition of project traffic. The average annual collision rate was calculated based on records for January 2006 through December 2010 obtained through the California Highway Patrol and published in their *Statewide Integrated Traffic Records System (SWITRS)* reports.

The 1.5-mile segment of Sonoma Mountain Road had two reported collisions over the five-year study period for a calculated collision rate of 1.97 collisions/million vehicle miles (c/mvm). The statewide average collision rate for a rural two-lane road with a speed limit of less than 55 mph is 2.24 c/mvm. The calculated collision rate is lower than the statewide average for similar roadway segments, indicating that the roadway is operating within normal safety parameters. A copy of the spreadsheet showing the derivation of actual and statewide collision rates is enclosed.

Trip Generation

The County's Winery Trip Generation form, which is enclosed, was completed in order to determine the proposed winery site's trip generation potential under both existing and proposed conditions. This form includes details relative to the anticipated production of cheese as well as the winery operation, and indicates that the winery will have a staff of eight persons who would be expected to generate an average of three trip ends each, or 24 trip ends total, per weekday. Truck traffic is expected to contribute an average of one trip end per weekday.

In addition, the tasting room will have one employee, generating an average of three trips per day. An average of 42 visitors per day is expected for tasting, with a high of 60 tasters during the summertime months and a low of about 30 visitors during December. Based on the average vehicle occupancy of 2.5 visitors per vehicle, 33 daily trips are expected due to tasting. Data 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 generated winery trips occur during the p.m. peak hour and 13 percent during the weekend midday peak.

For purposes of estimating the number of trips associated with the three existing single family houses, *Trip Generation*, 8th Edition, Institute of Transportation Engineers, 2008, was used. Based on rates for Single Family Detached Housing (Land Use #210), a residence is expected to generate an average of about ten daily trips. Trips associated with the three existing single family houses are already included in existing background volumes and were therefore not considered to be new trips; however, these trips were included in the analysis of driveway operations. Since the existing guest house is not occupied on a consistent basis, it was not included in the trip generation estimate for existing conditions.

As shown in Table 1, the proposed winery project would be expected to generate an average of 71 new trip ends per day, including 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

**Table I
Trip Generation Summary**

Trip Type	Unit	Daily		Weekday PM Peak			Weekend Midday Peak		
		Rate	Trips	Trips	In	Out	Trips	In	Out
Existing									
Single Family Home	3	9.57	30	3	3	0	3	3	0
Proposed									
Winery Employees	8	3	24	8	0	8	0	0	0
Truck Traffic	n/a	n/a	1	0	0	0	0	0	0
Tasting Visitors	42	0.8	33	3	1	2	4	2	2
Tasting Employees	1	3	3	1	0	1	1	1	0
Single Family Home	4	9.57	40	4	4	0	4	4	0
<i>Total Proposed Trips</i>			<i>101</i>	<i>16</i>	<i>5</i>	<i>11</i>	<i>9</i>	<i>7</i>	<i>2</i>
Total New Trips			71	13	2	11	6	4	2

Note: Trip generation does not include special events

Special Events

A total of ten special events are proposed at the project site. As indicated on the enclosed "Event Schedule" forms, two 200-person winery events per year are proposed along with three 100-person winery events and five 60-person winery events. It was assumed that a maximum sized 200-person event would require a staff of ten. Using an occupancy of 2.5 persons per vehicle for guests and solo occupancy for staff, a maximum sized 200-person event would be expected to generate 180 trip ends at the driveway, including 90 inbound trips at the start of the event and 90 outbound trips upon its conclusion.

Site Access

Access to the project will be provided via an existing driveway on Sonoma Mountain Road. Based on Sonoma County Fire Safe Standards, the driveway would need to be 20 feet wide for two-way access; however, the driveway width may be reduced to ten feet wide with a minimum vertical clearance of 15 feet if turnouts are provided every 400 feet or approximately midway if the total driveway is less than 800 feet long. Based on the site plan provided it is understood that the driveway will retain its existing width of 12 feet, while the roadway segment providing access to the new winery building is proposed to be 16 feet wide. It is therefore recommended that all internal roadways either be widened to a 20-foot cross section or include the appropriate number of turnouts to meet standards established by Sonoma County.

Sight Distance

Sight distance from the project's driveway on Sonoma Mountain Road was evaluated based on criterion contained in *A Policy on Geometric Design on Highways and Streets* published by American Association of State Highway and Transportation Officials (AASHTO). These guidelines recommend sight distances at intersections, including stopping sight distances for drivers traveling along the major approaches, and sight distances for drivers of vehicles stopped on 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 compared to turning right.

For a 40-mph design speed, sight distance to the west of at least 385 feet is needed to complete an outbound left turn. From the location of the existing driveway, sight distance to the west extends to approximately 200 feet west of the driveway. The sight lines are obstructed by vegetation along the south side of the road west of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the south side of Sonoma Mountain Road west of the project driveway to be cleared to achieve at least 385 feet of sight distance.

To complete an outbound left turn, which is expected to be the predominant movement for project traffic, 445 feet of sight distance is required, but clear sight lines of only approximately 400 feet are available. The sight lines are obstructed by vegetation along the north side of the road located approximately 400 feet east of the project driveway. If this vegetation can be cleared, it is expected that adequate sight lines would be achieved. Therefore, it is recommended that vegetation along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway be cleared to achieve at least 445 feet of sight distance.

Also measured was the stopping sight distance along the westbound Sonoma Mountain Road approach to determine if there is adequate sight distance available for a driver to react to a vehicle stopped in the through lane while waiting to complete an inbound left-turn movement. This would require 305 feet of sight distance, and 400 feet is available, which is adequate for speeds of up to 45 mph.

Any planned vegetation or frontage improvements that may be installed as a component of the project should be low lying or located back from the roadway to avoid further reducing sight lines.

Turn Lane Warrants

The need for turn lane channelization on Sonoma Mountain Road at the project driveway 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 an update of the methodology developed by the Washington State Department of Transportation.

Including all existing residential traffic and agricultural traffic, it is estimated that approximately 17 trips would occur during the weekday p.m. peak hour, of which up to five could be inbound trips, while during the weekend midday peak hour ten are expected to occur including eight inbound trips. Despite current traffic volumes on Sonoma Mountain Road being fairly evenly split in the eastbound and westbound directions, it is expected that the majority, if not all, of inbound project-related trips would access the site via eastbound right turns. However, to provide a worst-case scenario it was assumed that all inbound trips would access the site via a westbound left-turn.

Based on the prevailing speed of 40 mph, and current Sonoma Mountain Road segment volumes near the driveway, a left-turn lane would **not** be warranted during either the weekday p.m. or weekend midday peak periods.

Because inbound right turns are expected to dominate, analysis was performed that indicates that assuming all inbound trips are eastbound right turns, which is likely; neither a right turn lane nor taper would be warranted. Copies of the turn lane warrant calculation sheets are enclosed.

Internal Circulation

The ability for drivers of large vehicles to maneuver through the site was examined using the AutoTURN analysis software to simulate vehicle turning movements. Through discussions with the applicant, it is understood that the largest truck expected to access the site would be a bottling line truck. A heavy-duty ten-wheel truck was used to simulate the bottling line truck.

Based on the AutoTURN analysis it was determined that bottling line trucks would be able to enter and exit the site without the need for widening at the existing driveway location. On-site roadways are also expected to be sufficient to accommodate the circulation of the evaluated bottling line truck. Drivers of these larger trucks will need to utilize the truck turnaround area located south of the existing barn to complete the full circuit. A figure of the site plan showing maneuvering of the evaluated bottling line truck is enclosed.

Parking Adequacy

Daily Operations

The project site plan shows a total of 96 on-site spaces, including 16 permanent spaces for staff and visitors and 80 temporary spaces for attendees of special events.

Assuming that each employee drives to work in their own vehicle, nine spaces would be needed to accommodate the employees associated with daily winery and tasting room operations. Data collected by W-Trans to develop winery tasting room rates was also used to develop the parking demand for the project. Based on this information, it was assumed that an average of 25 percent of the 17 daily vehicles associated with the tasting room visitors, or five vehicles, would be parked on-site during any single hour; therefore, a maximum of 14 spaces might be needed to accommodate the typical daily parking demand.

The project as proposed provides a total of 16 permanent parking spaces, which would accommodate the typical guest and employee parking demand, with a surplus of two spaces.

Special Events

A maximum-sized special event with 200 guests would be expected to generate need for 80 parking spaces, plus an additional ten spaces for employees for a combined total of 90 parking spaces. Assuming that typical daily operations, such as tasting room visitors, would cease during participation of a maximum-sized special event, the proposed 96 permanent and temporary parking spaces would be able to accommodate the demand for event parking.

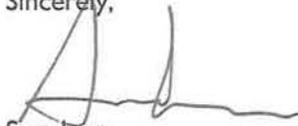
Conclusions and Recommendations

- The 40-mph speed was utilized for analysis purposes and was established with speed data collected near the project site's driveway. It was determined that the 85th percentile speed for traffic approaching the driveway was 40 mph.
- The 1.5-mile segment of Sonoma Mountain Road from Pressley Road to the project driveway has a collision rate that is lower than the average rate for similar facilities statewide.
- The proposed project would generate an average of 71 new daily trip ends over existing levels, which includes 13 trips during the weekday p.m. peak hour and six during the weekend midday peak hour.

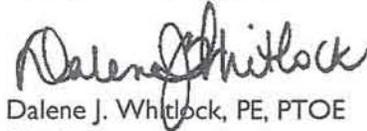
- Ten special events are proposed annually with attendance levels ranging from 60 to 200 people.
- It is recommended that all internal roadways be widened to a 20-foot cross section or else the appropriate number of turnouts should be constructed to meet standards established by Sonoma County.
- Sight distance at the project driveway is adequate for outbound right-turn and inbound left-turn movements, but is inadequate for outbound left-turn movements until vegetation is cleared.
- If vegetation is removed along the south side of Sonoma Mountain Road west of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- If vegetation is removed along the north side of Sonoma Mountain Road approximately 400 feet east of the project driveway, it is expected that adequate sight distance could be achieved for the outbound left-turn movement.
- Under the conservative assumption that all inbound trips would be made via left turns, a westbound left-turn lane is not warranted on Sonoma Mountain Road at the project driveway.
- Neither an eastbound right-turn lane nor taper are warranted on Sonoma Mountain Road at the project driveway.
- It is expected that the proposed site configuration will accommodate a heavy-duty 10-wheel bottling line truck.
- The proposed parking supply will be adequate to meet expected demands for employees, tasting room visitors and special event attendees.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,



Sam Lam
Transportation Engineer



Dalene J. Whitlock, PE, PTOE
Principal



DJW/std/SOX441.LI

- Enclosures:
- Collision Rate Spreadsheet
 - Belden Barns Winery Trip Generation Form
 - Special Event Schedule Form
 - Turn Lane Warrants
 - Vehicle Maneuvering Drawing

SEGMENT COLLISION RATE CALCULATIONS

Belden Barns Winery

Location: Sonoma Mountain Rd from Pressley Rd to the Project Driveway

Date of Count: Friday, April 27, 2012
ADT: 370

Number of Collisions: 2
Number of Injuries: 1
Number of Fatalities: 0
Start Date: January 1, 2006
End Date: December 31, 2010
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Rural
Design Speed: <=55
Terrain: Rolling/Mountain

Segment Length: 1.5 miles
Direction: East/West

NUMBER OF COLLISIONS x 1 MILLION
ADT x 365 DAYS PER YEAR x SEGMENT LENGTH x NUMBER OF YEARS

$$\frac{2}{370} \times \frac{1,000,000}{365} \times \frac{1.5}{1.5} \times \frac{5}{5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	1.97 c/mvm	0.0%	50.0%
Statewide Average*	2.24 c/mvm	2.2%	46.0%

ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2007 Collision Data on California State Highways, Caltrans

Winery Trip Generation

Winery: Belden Barns Winery
 Location: 5561 Sonoma Mountain Road
 Annual Full Production: 10000 cases of wine & 10,000 lbs of cheese

WINERY OPERATIONS

Employee traffic using passenger vehicles, in average ADT

Item Description	Employees				Trips			
	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)	Existing	Proposed (year round)	Proposed (harvest period)	Proposed (bottling period)
Winery Production	0	6	12	--	0	18	36	--
Cellar / Storage	0	0	0	--	0	0	0	--
Administrative	0	2	4	--	0	6	12	--
Sales	0	0	0	--	0	0	0	--
Bottling	0	0	--	0	0	0	--	0
Other staff (describe):					0	0	0	0
Totals	0	8	16	0	0	24	48	0

Truck traffic associated with winery operations (average ADT)

Item Description	Existing	Proposed
Grape Importation Truck loads per year: 7; 7 truck(s) at 12 tons/truck Dates of Activity: August through October	0.00	0.05
Juice Importation Truck loads per year: None Dates of Activity:	0.00	0.00
Juice/Fruit Exportation Truck loads per year: None Dates of Activity:	0.00	0.00
Pomace Disposal Truck loads per year: 0; and 0 truck(s) at 0 tons/truck Dates of Activity: August through October Disposed: on-site	0.00	0.00
Bottle Delivery Truck loads per year: 5 truck(s) at 1904 cases/truck Dates of Activity: January through June	0.00	0.04
Barrel Delivery Truck loads per year: 1 truck(s) at 100 barrels/truck Dates of Activity: July through September	0.00	0.01
Finished Wine Transportation to storage/sales Truck loads per year: 10 truck(s) at 984 cases/truck Dates of Activity: January through December	0.00	0.08
Less Backhauls Truck loads per year: -3 truck(s) Dates of Activity: January through December	0.00	-0.02
Miscellaneous trips Truck loads per year: 122 trucks Dates of Activity: January through December	0.00	0.92
Totals	0.00	1.08

VINEYARD OPERATIONS

Employee trips associated with vineyard operations (in average ADT)

Item Description	Employees		Trips	
	Existing	Proposed	Existing	Proposed
Vineyard Maintenance: Year Round	1	1	3	3
Vineyard Maintenance: Peak Season	0	0	0	0
Totals	1	1	3	3

Winery Trip Generation

TASTING ROOM OPERATIONS

Item Description	Persons		Trips	
	Existing	Proposed	Existing	Proposed
Average Tasting Room Visitors	0	42	0	33
Tasting Room Employees	0	1	0	3
Totals	0	43	0	36

	Tasting Room		Production	
	Existing	Proposed	Existing	Proposed
Months of Operation	N/A	Year Round	N/A	Year Round
Days of Operation - Non-Harvest Season	N/A	Daily	N/A	Monday - Friday
Days of Operation - Harvest Season	N/A	Daily	N/A	Daily
Hours of Operation - Non-Harvest Season	N/A	10:00am-5:00pm	N/A	7:00 am-6:00 pm
Hours of Operation - Harvest Season	N/A	10:00 am - 5:00 pm	N/A	6:00 am-8:00 pm

MISCELLANEOUS OTHER TRAFFIC GENERATORS

Item Description	Existing	Proposed
Event Traffic		
Special Events	0	2
Other Trips (If Applicable)		
None		
Totals	0	2

SUMMARY (During Non-Harvest Period)

Item Description	Existing	Proposed
Winery Operations (employees)	0	24
Winery and Cheese Operations (truck traffic)	0	1
Vineyard Operations (employees)	3	3
Tasting Room Traffic (employees and visitors)	0	36
Event Traffic (employee and visitors)	0	2
Miscellaneous other traffic generators	0	0
Totals	3	66

Variation in ADT during the course of a typical full production year (Proposed Trips)

Month	January	February	March	April	May	June
Total Trips	57	57	68	65	66	72

Month	July	August	September	October	November	December
Total Trips	81	102	93	105	61	57

Notes:

Employees - Assume 3 ADT per employee

Visitors - Assume 2.5 person per vehicle occupancy

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 200 Guests**

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									
Saturdays												
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.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.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

For Saturday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Sunday events	Inbound											Outbound
# guests / event	200											200
# employees / event	10											10
# guest vehicles / event	80											80
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event – 100 Guests**

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									
Saturdays						1						
Sundays										1		

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.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.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

For Friday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	100											100
# employees / event	7											7
# guest vehicles / event	50											50
# employees / vehicles	1											1

EVENT SCHEDULE

(Please complete a separate form for each type of event)

Name of Facility: **Belden Barns Winery**

PRMD File Number: _____

Type of event shown on this sheet: **Special Event - 60 Guests**

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				1								1
Sundays							1					

Estimated activity for typical (max?) event	? to 10 a.m.	10 a.m. to 9 p.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.	12 to 10 p.m.

For weekday events												
# guests / event												
# employees / event												
# guest vehicles / event												
# employees / vehicles												

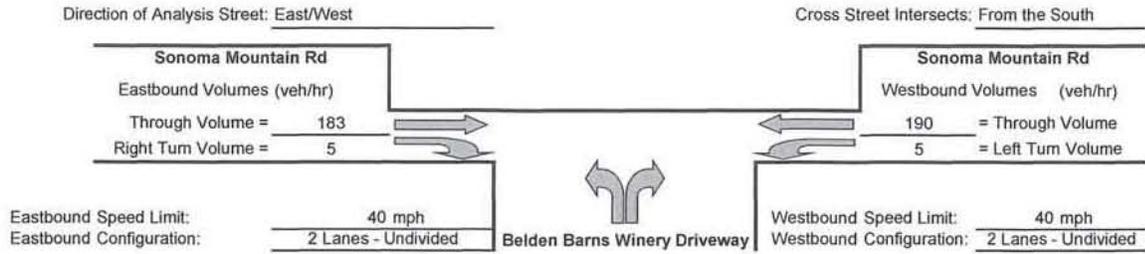
For Friday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Saturday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

For Sunday events	Inbound											Outbound
# guests / event	60											60
# employees / event	4											4
# guest vehicles / event	24											24
# employees / vehicles	1											1

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: Sonoma Mountain Road at Belden Barns Winery Driveway
 Study Scenario: Existing plus Project - Weekday PM Peak Hour



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV =	1012.6
Advancing Volume	Va =	188
If $AV < Va$ then warrant is met		
		No

Right Turn Lane Warranted: NO

Eastbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

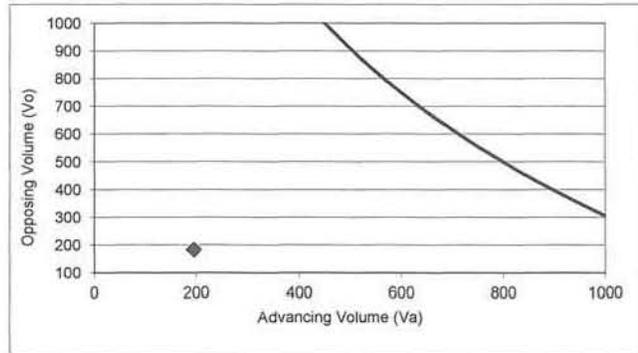
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	188
If $AV < Va$ then warrant is met		
		-

Right Turn Taper Warranted: NO

Westbound Left Turn Lane Warrants

Percentage Left Turns %t	2.6 %
Advancing Volume Threshold AV	1151 veh/hr
If $AV < Va$ then warrant is met	



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 mph
 Turn lane warranted if point falls to right of warrant threshold line

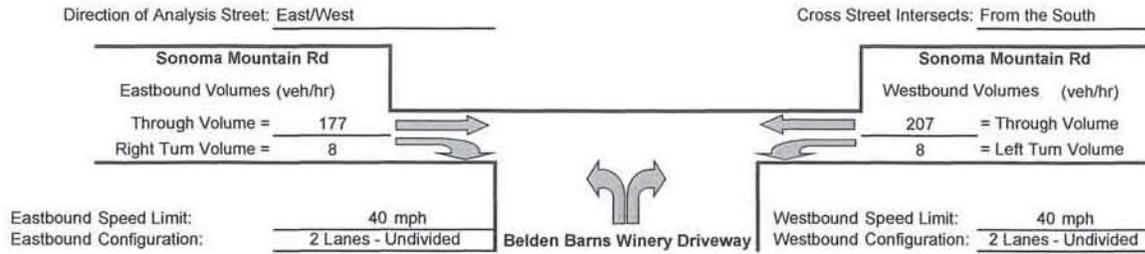
Left Turn Lane Warranted: NO

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: Sonoma Mountain Road at Belden Barns Winery Driveway

Study Scenario: Existing plus Project - Weekend Midday Peak Hour



Eastbound Right Turn Lane Warrants

1. Check for right turn volume criteria

Thresholds not met, continue to next step

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV = 990.1
Advancing Volume	Va = 185
If $AV < Va$ then warrant is met	

Right Turn Lane Warranted: **NO**

Eastbound Right Turn Taper Warrants (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

NOT WARRANTED - Less than 20 vehicles

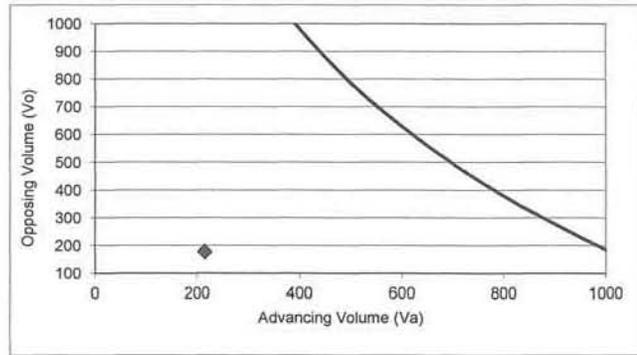
2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV = -
Advancing Volume	Va = 185
If $AV < Va$ then warrant is met	

Right Turn Taper Warranted: **NO**

Westbound Left Turn Lane Warrants

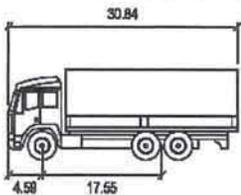
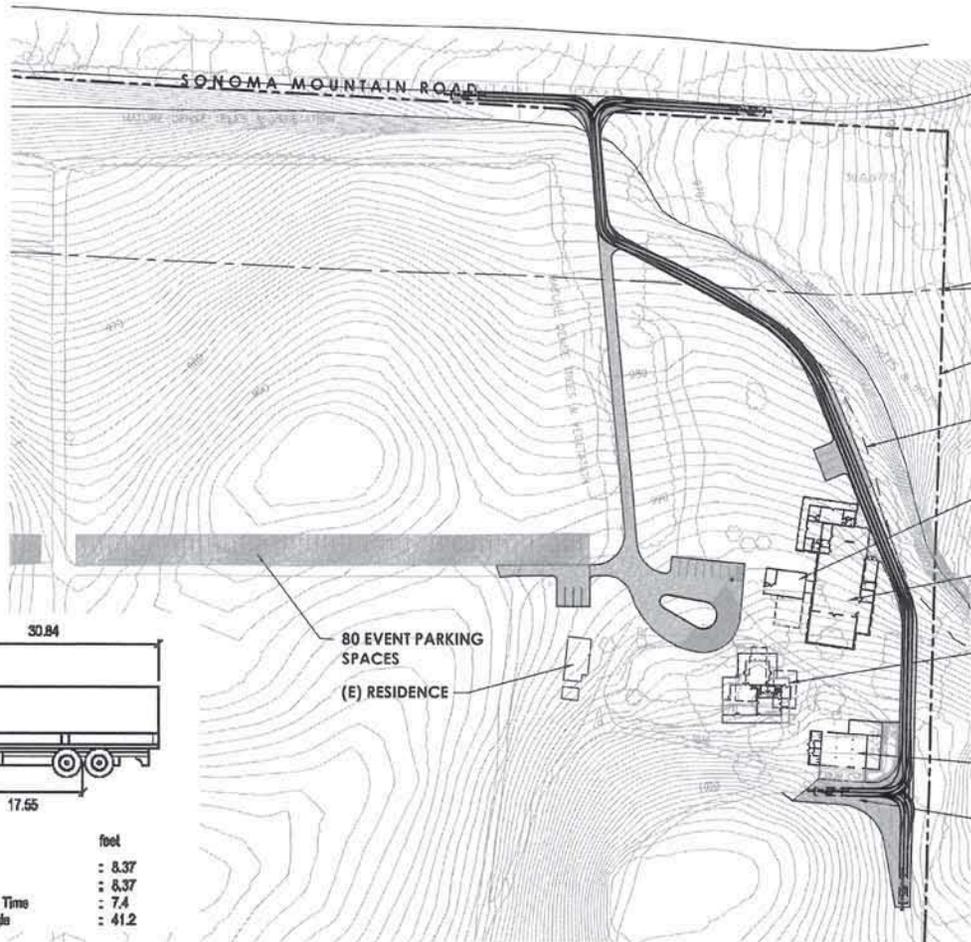
Percentage Left Turns %lt	3.7 %
Advancing Volume Threshold AV	1009 veh/hr
If $AV < Va$ then warrant is met	



◆ Study Intersection
 Two lane roadway warrant threshold for: 40 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.



LOS	feet
Width	: 8.37
Track	: 8.37
Lock to Lock Time	: 7.4
Steering Angle	: 41.2

- 200' SCENCE SETBACK LINE
- APPROX. PROPERTY LINE
- APPROX. 30' TOP OF CREEK SETBACK
- (E) DANCE HALL TO BE RENOVATED
- NEW WINERY BUILDING
- (E) RESIDENCE TO BE DEMOLISHED AND REPLACED WITH NEW RESIDENCE/ HOSPITALITY BUILDING
- (E) BARN TO BE RENOVATED
- TRUCK TURNAROUND

80 EVENT PARKING SPACES
(E) RESIDENCE



**Whitlock & Weinberger
Transportation, Inc**
490 Mendocino Ave, Suite 201
Santa Rosa, CA
(707)542-9500 Fax (707)542-9590

Belden Barn Winery AutoTURN Analysis

DRAWN: SL	SCALE: 1"=200'
DESIGN:	DATE: 5/23/12
SHEET 1 of 1 SHEETS	JOB NO.



August 14, 2014

Mr. Steve Martin
Steve Martin Associates
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Sebastopol, CA 95472

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Suite 201
Santa Rosa, CA 95401

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web www.w-trans.com

Response to Further Comments on the “Focused Traffic Study for the Belden Barns Winery Project”

Dear Mr. Martin;

Subsequent to responding to various comments from neighbors of the Belden Barns site in a letter dated March 6, 2014, additional comments were received from Ms. Tamara Boutbee in an email dated March 10, 2014. Following are excerpts from her email that contained comments relative to our focused traffic study, which have been summarized and are shown in *italics* for ease of review, together with our responses.

1. *The traffic study states that the prima-facia speed limit is 55 mph, but within the staff packet there is a picture showing the speed limit is 20 mph, so the 40 mph that the study was based on is inaccurate at best.*

The posted speed limit is not 20 mph. The road is signed with an *advisory* speed of 20 mph, as indicated by yellow signs; however, drivers cannot be cited for speeds in excess of 20 mph based on this signing. Because greater sight distance is needed for a 40-mph approach than 20 mph, using the higher speed results in a more conservative analysis.

2. *Sonoma Mountain, Pressley Road and Enterprise Road have always been classified as rural byways and do not show up on the county maps as collectors.*

The description of the roadway classifications is provided as background information only. The commenter is correct that Sonoma Mountain Road was incorrectly identified as a Rural Minor Collector.

3. *The narrow focus of the traffic study conveniently avoids the significant negative impact on neighboring roads leading to the site.*

Given the limited number of trips that the project is expected to generate, the narrow focus area is appropriate. Projects that are expected to generate only 13 peak hour trips would not typically be subject to more than a focused traffic study.

4. *The truck traffic associated with the proposed cheese making and farm produce are not addressed. Truck traffic is very hard on roads that were never designed to handle truck traffic and because of the extremely curvy and steep inclines, the noise level can easily exceed that which is expected in a rural environment. The isolated location will have significant impact on rural, scenic, quiet quality of the area. The added traffic will be a bane on the way of life in this area.*

As noted in the text on Page 2 of our August 10, 2013, letter report, the trip generation for the cheese production was incorporated into the winery trip generation form. There is not a standard trip

generation rate for the cheese production, but the importation of milk in lieu of grape juice was used to estimate the potential truck trips.

For all of the proposed uses, including the cheese making, the project is expected to generate one truck trip every other day, on average. This road is already used by trucks on a daily basis to deliver mail and other goods. To a large extent the truck trips associated with the project will actually be existing FedEx or UPS trucks making an additional stop while already traveling along the road.

It is noted that West Dry Creek Road has a similar nature to Sonoma Mountain Road, including its narrow width, hilly terrain, and scenic beauty. It carries more than double the amount of traffic on a daily basis and serves numerous wineries. Based on the operational experience of this other Sonoma County roadway, it appears reasonable to anticipate that the added trips associated with the proposed project can be accommodated without jeopardizing the character and integrity of Sonoma Mountain Road.

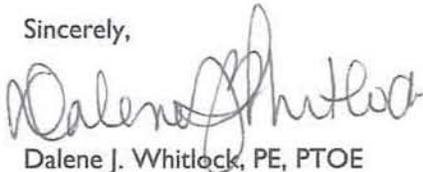
5. *What would be the restrictions on appointment only? Total number of people and cars per hour or day?*

The trip generation estimate for the project was based on a maximum of 60 visitors per day, or an average of 42 visitors per day. This translates to 48 vehicle trips (24 vehicles entering and exiting) on a peak day, and 34 trips (17 inbound and 17 outbound) on an average day. Peak days are infrequent, and when they do occur, it is typically a weekend day during the summer months. Note that the level of visitation will be lower on most days.

Further, we understand that the applicant has modified the project description to reduce the number of promotional events. This would, in turn, reduce the volume of traffic generated on an annual basis, and thereby the project's traffic impacts, which were already deemed to be less-than-significant.

We hope this information is of use in reviewing the potential traffic impacts of the proposed project. Please call if you have any questions.

Sincerely,



Dalene J. Whitlock, PE, PTOE
Principal



DJW/djw/SOX441.L3

Nate and Lauren Belden
5561 Sonoma Mountain Road
Santa Rosa, CA 94114

June 6, 2014

Supervisor Susan Gorin
County of Sonoma
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

Supervisor Gorin,

As a result of the appeal of our Belden Barns Farmstead and Winery project, we have reached out to the appealing neighbors to further discuss and clarify issues from both sides. We feel the discussions have been productive. In some cases, we feel issues have been eliminated or minimized, and in other cases we have been able to put a finer point on certain complaints. While there are some portions of our proposed project that we are unwilling to change because we have a fundamental disagreement as to their impact on the community or feel a change would make our project economically unviable, there are some areas in which we feel our neighbors have made compelling points that we are in a position to address. Further, Lauren and I have reflected upon the family business we would like to achieve, the quality of neighbors we would like to be, the environment in which we want to raise our kids, and the energy we realistically have to bring to the table (certainly in the early, startup years), and those thoughts have informed the way in which we would be willing to alter our proposal.

The agricultural promotional events portion of our proposal has been troubling for some, and that is the portion of our proposal in which we feel we can make modifications. While we feel our agricultural promotional events list is modest compared to most Sonoma wineries, our neighbor conversations have forced us to look long and hard at the events we proposed. In the end, we feel that some of our proposed promotional events may not be necessary for our economic success, and others can be better shaped to fit the seasonal nature of what we are hoping to celebrate on our site in regard to farming, wine and agricultural experiences. Further, we feel there is a compelling argument to phase in our ag promotional events, with an initial reduced list of promotional events available immediately for the project and a second phase of events that are available to the project after three years of operation. By staging our event availability, we have time to get our feet under us as an operation and, importantly, the staging delays the availability of some promotional events until after the two-year review of our operation. We feel we have shown a willingness to listen to our neighbors and be responsive to their issues within the economic reality of our project. That mindset will remain as we move forward and as we receive input at the time of the review.

The following schedule outlines our proposed permit modifications as they relate to our promotional events roster:

BZA APPROVED AG PROMOTIONAL EVENTS ROSTER

<u>Events</u>	<u>Time of Year</u>	<u>Attendees (maximum)</u>
1 Wine Club Member's Event	Jan - Dec	60
2 Wine Club Member's Event	Jan - Dec	60
3 Distributors Tasting	Jan - Dec	60
4 Distributors Tasting	Jan - Dec	60
5 Chef Tastings & Dinner Event	Jan - Dec	60
6 Wine Club Pickup	Mar - Oct	100
7 Harvest Party	Mar - Oct	100
8 Marketing Event	Mar - Oct	100
9 Wedding	Mar - Oct	200
10 Wine & Farm Event	Mar - Oct	200
	Total	<u>1,000</u>

PROPOSED REVISED AG PROMOTIONAL EVENTS ROSTER

<u>Phase 1 Events</u>	<u>Time of Year</u>	<u>Attendees (maximum)</u>
1 Spring Wine & Farm Event	Mar - May	150
2 Summer Wine & Farm Event	Jun - Aug	150
3 Fall Wine & Farm Event	Sept - Nov	200
4 Winter Wine & Farm Event	Nov - Feb*	100
	Total	<u>600</u>

<u>Phase 2 Events</u>	<u>Time of Year</u>	<u>Attendees</u>
5 Wedding	Jan - Dec	150
6 Marketing Event	Jan - Dec	100
	Total	<u>250</u>

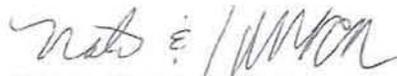
Grand Total	850
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* November inclusion in Winter is by design.
We may want to hold our Winter event in that month.

A final aspect of our events that neighbors have highlighted is road safety – particularly safety at night. Safety is a primary focus for us, and we agree that nighttime driving in our area can be more challenging than in the day. As a result, we propose that all of our events, with the exception of one per annum, must conclude 30 minutes before published time of sunset for the day of each particular event.

With these modifications, we feel we have, again, shown a willingness to listen to our neighbors in the permitting process and respond to their concerns within the context of maintaining a family business that is economically sustainable.

Best Regards,

A handwritten signature in black ink, appearing to read "Nate & Lauren". The signature is written in a cursive, flowing style.

Nate and Lauren Belden