

SONOMA VALLEY CITIZENS ADVISORY COMMISSION
Notice of Meeting and Agenda
September 23, 2015
Sonoma Police Department, Community Room
177 First Street West, Sonoma
6:30 p.m.

Contact: Pat Gilardi, District Director to Supervisor Gorin at pat.gilardi@sonoma-county.org

- | | |
|--|------------|
| 1. Call to Order, Roll Call | |
| 2. Approval of Minutes of the meeting of August 26, 2015 | Resolution |
| 3. Public Comment
(Limited to items not appearing on the agenda) | Receive |
| 4. Applicant Name: Vina Management Service
Owner Name: Same
Site Address: 2475 Fremont Drive, Sonoma

Request for a revision to a previously approved Use Permit for a winery to allow for four (4) tasting rooms, two (2) for wine tasting, one (2) for beer tasting and one (1) for grape vodka tasting. | Resolution |
| 5. Consideration of items for Future Agenda | Receive |
| 6. Adjourn | Resolution |

Materials related to an item on this Agenda submitted to the Sonoma Valley Citizens Advisory Commission after distribution of the agenda packet are available for public inspection in the Board of Supervisors' Office located at 575 Administration Drive, Room 100-A1, Santa Rosa, CA, during normal business hours.

Note: Consideration of proposed development projects will proceed as follows:

1. Presentation by project applicant
2. Questions by Commissioners
3. Questions and comments from the public
4. Response by applicant, if required
5. Comments by Commissioners

Web Links:

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: PLP09-0062
DATE: October 28, 2010
TIME: 1:05 p.m.
STAFF: Sigrid Swedenborg

Appeal Period: 10 calendar days

SUMMARY

Applicant/Owner: Armando Ceja

Location: 2475 Fremont Drive, Sonoma
APN 135-120-001 Supervisorial District No. 1

Subject: Use Permit

PROPOSAL: Use Permit for a winery with a maximum annual production capacity of 40,000 cases, and 1,100 barrel micro brewery with public tasting, 18 special events a year, and participation in 5 industry-wide events on a 41-acre parcel.

Environmental Determination: Mitigated Negative Declaration

General Plan: Diverse Agriculture, 20 acre density

Ord. Reference: Section 26-08-020 (g) & (j)

Zoning: DA (Diverse Agriculture) B6 20 acre density, F2 (Floodplain Combining District), SR (Scenic Resources), VOH (Valley Oak Habitat)

Application Complete for Processing: August 12, 2010

RECOMMENDATION: Adopt the Mitigated Negative Declaration and approve the Use Permit as conditioned.

ANALYSIS

Background:

This site was used for a legal, non-conforming auto body repair business (Pacheco Auto Body), that operated since the 1950s and shut down operations in January of 2009. The structure that previously housed the auto repair business would be replaced to house the brewery and would also be used for wine barrel storage. An old dairy barn, approximately 8,000 square feet in size, would be replaced with

the wine production facility. An existing, recently constructed, 4,800 square foot building would be retained and used for storage.

The site is not located on a hazardous waste site on the State's list. The applicant said that all work was done on a paved surface and it is unlikely that any pollutants seeped into the ground. Staff from the Department of Fire and Emergency Services, Hazardous Material Division stated that it had been run as a clean facility with no spills reported and there was no requirement for a soils analysis. Apparently body repair facilities tend to have less potential for spills than auto repair facilities.

The site is not in an Agricultural Preserve or under a Williamson Act Contract.

Project Description:

The request is for a winery with a maximum annual production capacity of 40,000 cases, a 1,100 barrel micro brewery with public tasting, 18 special events a year and participation in 5 industry wide events annually. The production facility is proposed to be housed in two buildings, 14,000 and 10,000 square feet in size. The wine tasting room would be about 800 square feet in size with 200 square feet devoted to beer tasting. Special events are proposed to occur outside, near the existing pond on site as an adjunct to the tasting room. A separate hospitality building, about 1,000 feet from the winery/brewery complex, is proposed to be 7,800 square feet in size. There would be 9 employees. Hours of operation for the production facility are proposed to be 5:30 a.m. to 11:00 p.m., seven days a week, with additional hours, as needed, during crush as conditions may warrant. Hours of operation for the tasting room are proposed to be between 11:00 a.m. and 5:30 p.m., seven days a week. The request includes 18 special events a year, seven events with a maximum of 100 participants and 11 with 125 participants and participation in five industry-wide events annually. Events would be held between 11:00 a.m. and 9:30 p.m. Process wastewater will be treated in a pond and used for vineyard irrigation. The site plan depicts nine designated employee parking spaces, 23 visitor spaces with 26 overflow spaces. The hospitality building has 26 spaces. There are 70 additional parking spaces possible for events and general overflow behind (further south of) the production building and along circulation areas on the west side of the property. The existing single family home is served by an existing driveway onto Fremont Drive which will not be used by the winery facilities. The project will be served by two driveways on Burndale Road.

Site Characteristics:

The 41-acre site is flat and planted with 30 acres of vineyards, over an acre in hops, and developed with a single family home, a pond, barns and several buildings related to the former auto repair facility. The parcel has frontage on both Fremont Drive, which is also known as Highway 12/121, and Burndale Road.

Surrounding Land Use and Zoning:

Land use in the project vicinity is a mix of residential and agriculture. Parcels to the north and west of the site are planted with vines and are zoned Diverse Agriculture, with 20 acre densities. Parcels to the south are also planted in vines, and zoned Land Extensive Agriculture with 100 acre densities. Parcels to the east of the site are developed with residences and average about 2 acres in size and are zoned Agriculture and Residential, with a 3-acre density.

DISCUSSION OF ISSUES

Issue #1: General Plan and Zoning Conformance

The subject parcel is designated Diverse Agriculture, with a 20-acre density in the Sonoma County General Plan 2020 and Zoning Ordinance. The site is planted with approximately 30 acres of chardonnay and pinot noir grapes and over an acre in hops, which would be processed on site. The processing of agricultural products "of a type grown on site or in the local area" and tasting rooms are permitted by Use Permit in the DA zone, subject to consistency with policies in the Agricultural Resources

Element of the General Plan.

The proposed winery and tasting room are consistent with the following General Plan description of the Diverse Agricultural land use category and policies of the Agricultural Resources Element:

Policy for Diverse Agricultural Areas

Purpose and Definition. This category shall enhance and protect those land areas where soil, climate, and water conditions support farming but where small acreage intensive farming and part time farming activities are predominant. In these areas, farming may not be the principal occupation of the farmer. The primary purpose of this category is to protect a full range of agricultural uses and to limit further residential intrusion consistent with the policies of the Agricultural Resources Element.

Permitted Uses:

- (1) Agricultural production, agricultural support uses, and visitor serving uses, as provided in the Agricultural Resources Element.*
- (2) Agricultural Employee Housing. Farm worker, farm family, and other employee housing as defined in the Agricultural Resource Element.*
- (3) Other Resource Uses. Surface mining operations consistent with the Aggregate Resources Management Plan. Operations are subject to standards of the Surface Mining and Reclamation Ordinance.*
- (4) Residential Uses. In addition to the permitted residential densities below; existing campgrounds or recreational vehicle parks may be used for long term residential occupancy only as part of a pilot program.*
- (5) Other Uses. Other uses consistent with the Agricultural Resources Element as provided in the Development Code.*

The project is consistent with the following GP2020 policies as discussed below:

Policy AR-5a: Provide for facilities that process agricultural products in all three agricultural land use categories only where processing supports and is proportional to agricultural production on site or in the local area.

Staff Comment: The proposed winery would process up to 40,000 cases annually. In addition to the 30 acres of vines on-site, the applicant also maintains and owns 140 acres of vineyards on Arnold Dr. and Adobe Rd. This meets the policy requirements.

Policy AR-5c: Permit storage, bottling, canning, and packaging facilities for agricultural products either grown or processed on site provided that these facilities are sized to accommodate, but not exceed, the needs of the growing or processing operation. Establish additional standards in the Development Code that differentiate between storage facilities directly necessary for processing, and facilities to be utilized for the storage of finished product such as case storage of bottled wine. Such standards should require an applicant to demonstrate the need for such on-site storage.

Staff Comment: Storage of the finished product will be off site. The wine production facility is proposed to be 24,000 square feet in size, and that is not excessive for a 40,000 case winery.

Policy AR-5g: Local concentrations of any separate agricultural support uses, including processing, storage, bottling, canning and packaging, agricultural support services, and visitor-serving and recreational uses as provided in Policy AR-6f, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided. In determining whether or not the approval of such uses would constitute a

detrimental concentration of such uses, consider all the following factors:

- (1) *Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis.*

Staff Comment: A Traffic Impact Study was prepared for the project. The study concludes that the project would generate an average of 61 daily trips including 19 p.m. peak hour trips and 10 Saturday midday peak hour trips. Two intersections in the project vicinity are operating acceptably during peak periods, the Highway 12/ 8th St. East and Hwy. 12/Burndale Roads intersections. The Highway 116/Bonneau Road intersection, which is almost 2 miles from the site, is currently operating at a LOS E, which is unacceptable, but this would occur with or without the project. For further discussion on traffic, see Issue # 3, below.

- (2) *Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.*

Staff Comment: A groundwater availability and water quality study was prepared for the project. The study found that the total projected water usage for the proposed development is 3.8 AF/yr (Acre Feet per year). The Cumulative Impact Area includes portions of 29 properties, with a combined use of 17.47 AF/yr. The study determined that the groundwater storage capacity within the cumulative impact area equates to approximately 6,255 AF/yr. The groundwater recharge on this site is calculated out to be 28 AF/yr. The study concludes that the proposed development will not have a significant impact on current and future groundwater availability at the project site or within the cumulative impact area under existing or foreseeable future use conditions. Additionally, the project is subject to the Water Efficient Landscape Ordinance (WELo) for drought tolerant landscaping. Prior to final design review approval, conformance with the code's drought tolerant landscaping must be shown on plans.

- (3) *Whether the above uses would be detrimental to the rural character of the area.*

Staff Comment: The road the project will gain access off of, Fremont St., also known as Highway 12/121, is designated as a scenic corridor by the Sonoma County General Plan and has a 200-foot setback from the centerline of the road. The proposed buildings are setback over 260 feet from the road centerline as shown on the site plan dated July 15, 2009. The area to be developed with the production facility is already developed with several old buildings, previously used for an auto repair business. The project would not substantially degrade the existing visual character or quality of the site and its surroundings. A condition of approval will require that, prior to issuance of building permits, Design Review approval be obtained to review the site plan, building elevations, signage, lighting plan, landscaping and irrigation plans to minimize any visual impact through design and landscaping.

Policy AR-6a: Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production.

Staff Comment: A total of approximately 31,800 square feet of new buildings are proposed, 7,800 (25%) of which are proposed to be used for hospitality-related uses in a separate building. The physical design and proposed operational aspects of the processing/tasting portion of the project located at the north end of the site near the highway clearly demonstrate that the visitor-serving aspects of the proposal are incidental to the primary use of the property which involves the cultivation of 30 acres of vineyards on the 41-acre property (73%). However, the detached 7,800 square foot hospitality center is separated from the processing/tasting portion of the project which is not supported by staff. Please see further discussion in Issue #7.

Policy AR-6d: Follow these guidelines for approval of visitor serving uses in agricultural areas:

(1) The use promotes and markets only agricultural products grown or processed in the local area.

Staff Comment: The use includes a proposed tasting room to promote wine and beer produced onsite. The wines would be made primarily from grapes grown onsite and in Sonoma County, and hops grown on site would be used in making beer.

(2) The use is compatible with and secondary and incidental to agricultural production activities in the area.

Staff Comment: In the rural Sonoma Valley, the primary agricultural production activity is vineyards for the processing of wine. The primary use on the site is vineyard production. The proposed facility would process agricultural products grown on site. The tasting room would market wines and beer produced onsite. This amount of visitor-serving use is considered secondary and incidental to agricultural production.

(3) The use will not require the extension of sewer and water.

Staff Comment: The use can be accommodated without extensions of public sewer and water lines.

(4) The use is compatible with existing uses in the area.

Staff Comment: There are many acres of vineyards in the project vicinity, and wineries are a necessary function related to that agricultural use. Conditions restricting noise from the site have been established to limit potential impacts to the homes directly east of the site.

(5) Hotels, motels, resorts, and similar lodging are not allowed.

Staff Comment: The project does not include any overnight facilities that would be used on a transient occupancy basis.

(6) Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.

Staff Comment: The project does include a tasting room that is proposed for sales, marketing, and educational activities and tours that promote local wine.

(7) Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts.

Staff Comment: The project has been conditioned with a requirement that the days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant must submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair share toward 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.

Issue #2: Design Review

Prior to building permit issuance, the project will be required to obtain Final Design Review approval. The

proposed buildings are set back over 260 feet from the centerline of Highway 12/121 as shown on the site plan dated July 15, 2009. The area to be developed with the production facility is already developed with several old buildings, previously used for an auto repair business. The project would not substantially degrade the existing visual character or quality of the site and its surroundings, in fact the project would improve the visual character because old barns and buildings used for the automotive repair shop would be demolished.

The project was reviewed by the Design Review Committee (DRC) on May 5, 2010 and will be required to come back to the DRC for Final Design Review. Overall, the DRC felt that the proposed architecture and site plan are appropriate for the subject site. The DRC made the following comments:

- 1) Consider rotating Bldg. "A" so that the smaller portions of the building faces Fremont Drive (Hwy. 12/121).
- 2) Identify the locations on the site plan where special events will take place.
- 3) Fill in blank eastern wall of Bldg. "B" with rows of olive trees.
- 4) Provide the details of the proposed arbor.
- 5) Provide interior cross sections of the proposed buildings.
- 6) Provide a visual simulation of what the new buildings will look like from Fremont Drive (Hwy. 121) and Burndale Road.
- 7) Consider lowering Bldgs. "A" and "B" so they fit better into the site and meet the permitted height limit of 35 feet for buildings in the Diverse Agriculture zoning designation (NOTE - Agricultural buildings are permitted to be up to 50-feet high. The wine production building is proposed to be 40 feet in height because of the size of the fermentation tanks and the pump over equipment.)
- 8) Provide roof sample to the Design Review Committee and ensure the roof material used is a "cool" roof and will not be reflective.
- 9) Provide actual samples of the proposed colors.
- 10) Shade parking lot areas with landscape islands particularly at Bldg. "C."
- 11) Consider installing landscaping at all sides of each new building.
- 12) Install more landscaping to soften new buildings at Fremont Drive (Hwy. 121) and Burndale Roads.
- 13) Provide a complete landscape and irrigation plan. The applicant should make an effort to coordinate with WELO staff to create a design that will both fit the County's requirements as well as the Design Review Committee's requirements for screening to public roads.
- 14) Indicate on the site plan where all exterior signs will be located.
- 15) Provide details of the proposed signs to include: letter height and colors, sign dimensions, background color of signs, and if there is an intention to illuminate the sign(s).
- 16) Gates: Provide information regarding gate materials and location(s) on site. Ensure new gates are located 30 feet in from the property lines to meet fire-safe standards.
- 17) Parking: Ensure parking is designed for overflow spaces at special events.
- 18) Lighting: Provide an exterior lighting plan and cut sheets. All exterior lighting must be fully shielded and downward facing to avoid night-time light pollution.

Issue #3: Traffic

A Traffic Impact Study was prepared for the project by the applicant's consultant, W-trans. The study was peer reviewed by Transpedia Consulting Engineers. The study concludes that the project would generate an average of 61 daily trips including 19 p.m. peak hour trips and 10 Saturday midday peak hour trips. The study also determined that this project would generate 229 fewer daily trips than the previous use of the site for an auto body repair facility. However, staff has determined that the project should not get credit for those numbers because the legal non conforming use has ceased. Two intersections in the project vicinity are operating acceptably during peak periods, the Highway 12/8th Street East and Highway 12/Burndale Road intersections. The Highway 116-121/Bonneau Road intersection, which is almost two miles west of the project site, is currently operating at a LOS E, which is unacceptable, but this would occur with or without the project. The traffic analysis concludes that cumulative traffic impacts associated with the project do not cause traffic delays greater than five seconds at the intersection, which is the County's threshold of significance for cumulative traffic impacts.

The Sonoma County Transit Authority 2007 Measure M Strategic Plan designates the intersection of Highway SR 116-121 as being scheduled for improvements at some point in the future. The project scope includes the removal of the northbound right turn lane and the installation of a traffic signal. The plan also includes the expansion of the existing park and ride lot, as well as other improvements along Arnold Drive. All of the project's phases have not been fully developed to date, and both the Department of Transportation and Public Works (DTPW) and CalTrans were unable to provide a time line for completion of the improvements. Staff has also been informed that the intersection may be improved with a roundabout rather than a signal. The study concluded that the intersection, with or without the project, would operate at LOS C if it were signalized, or LOS A if it were improved with a two-lane roundabout. Conclusions by the DTPW are that, since the project does not exceed the cumulative impact threshold, no fair share payments should be required.

The Traffic Study found that within ½ mile of the project frontage (1/4 mile east and 1/4 mile west of the intersection of Burndale and Fremont) collision rates are less than the statewide average for a rural two-lane highway with a speed limit of 50 mph. The DTPW has reviewed the project and determined that it will not increase hazards. However, the following conditions are required to increase safety:

- a. Remove the existing stonewall and ditch and construct an 8-foot wide paved shoulder for the full length of the highway frontage.
- b. Convert the existing highway entrance to emergency vehicle access (EVA).
- c. Improve, to current state standards, the southwesterly Burndale Road approach located at the northeasterly corner of the applicant's parcel.

Issue #4: Noise

The Sonoma County Noise Element of the General Plan establishes objectives, policies and performance standards for noise producing land uses that may affect noise sensitive land uses and vice versa. Wineries are recognized as a source of community noise because they are typically located in quiet rural areas. Exterior noise primarily occurs during the crush season and is usually less than 60 dBA at distances greater than 300 feet.

An environmental noise assessment was prepared for the project. The study states that the primary source of noise on the property is due to traffic on Fremont Drive, a.k.a. Highway 12/121. Noise measurements were taken to assess existing noise levels. The day-night average noise level measured from positions near the intersection of Fremont and Burndale Roads was 68 dBA, which requires a 5 dBA adjustment to the noise standard.

The study analyzed projected winery event noise, for both outside and inside events. The study found

that outdoor events at the winery complex near Fremont Drive (350 to 450 feet from adjacent properties outdoor activity areas) would not exceed County standards, but outside events at the hospitality center with amplification may exceed standards at adjacent residences. The study concludes that either amplified speech or music at outdoor events should not be allowed outside the Hospitality Center or the following Mitigation Measure (revised per County language) should be required:

Mitigation Measure: Prior to or concurrently with constructing the hospitality center and vesting the Use Permit, noise barrier walls shall be constructed for outdoor activity areas in accordance with the Sound Report dated March 22, 2010, by Illingworth and Rodkin. The design and final construction of the barriers must be approved in writing by the consultant. Barrier height in relation to pad elevation must be certified by the project engineer. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction of the sound wall to the Sound Report requirements.

The study found that indoor events at the hospitality center with amplified music may exceed County noise standards if doors or windows are open. A condition has been established requiring that indoor amplified sound in the hospitality center shall only occur with the windows and doors closed (excepting the doors will be opened when entering or existing the building).

Due to concerns about truck delivery noise a condition requires that truck deliveries shall only occur during the hours of 7:00 a.m. to 10:00 p.m. The study found that noise from crush and bottling would be at or below 47dBA, at the adjacent residential/commercial use meeting General Plan criteria.

As with all Use Permits, if noise complaints are received from nearby residents the applicant will be required to conduct a noise study to determine if the current operations meet noise standards and identify any additional noise mitigation measures if necessary. Any additional mitigation measures must be implemented to meet noise standards. If the requirements are not met, the Use Permit is subject to modification or revocation.

Issue #5: Tasting Room Hours of Operation

The applicant's request is to keep the tasting room open until 5:30 p.m. The BZA has recently requested that tasting rooms close by 5:00 p.m. The primary concern is limiting hours to avoid the "cocktail hour" or conversion of tasting rooms to drinking establishments. In accordance with this directive, staff has conditioned the tasting room with hours of operation from 10:00 a.m. to 5:00 p.m.

Issue # 6: Brewery

In order for a brewery to qualify as an agricultural processing facility, it must meet the test of processing an agricultural product grown primarily on-site or in the area. The constituents of beer are water, hops, grain and yeast. In this particular case, the applicant proposes to grow the hops on-site. All the grain, or grain product, will be imported. The brewing process requires far more grain by volume than hops. Since the grain used for beer does not grow here, the issue is whether or not growing the hops on-site is sufficient to qualify the proposed brewery as an agricultural processing facility. The Board of Zoning Adjustments has approved several breweries in the past, finding that, since all locally available constituents of the beer are utilized in its processing, the proposed brewery qualifies as an agricultural processing facility. Since the applicant has planted over an acre of hops on the property and this amount can supply all the brewery's needs for making beer, staff can support a finding of consistency with regard to this issue.

Issue #7: Hospitality Center

The request includes a 7,800 square foot building to be used as a hospitality center. The applicant states that this will be used for promotional activities associated with the wine production such as winemaker dinners, wine club release events, and distributor/retailer promotions. Additional wine tasting would also be conducted in this building and weddings and other special events may be held in it. The

applicant has stated that this facility is a more exclusive and quiet location for promotional activities like wine club and restaurateurs, chefs, and larger retailer clientele. It takes it away from the commotion associated with the wine production facility and visitor public tasting.

Staff has concerns about the size and other impacts related to this facility. Another winery recently approved producing 50,000 cases annually included a 4,800 square foot hospitality building, which included the tasting room. This proposal includes beer and wine tasting in the winery/brewery production facility as well as wine tasting in the hospitality building. The proposed hospitality building is about 1,000 feet south of the winery production facility. As discussed in the issue about noise, above, noise barrier walls must be constructed in order to lessen the impact of sound for the neighboring residences. It was also found that indoor events at the hospitality center with amplified music may exceed County noise standards if doors or windows are open and the project is conditioned requiring that all doors and windows have to remain closed during events. This requirement could be difficult to enforce.

Staff has determined that it is not appropriate to allow a separate, detached 7,800 square foot "event center" on this site. It appears to be a totally separate entity, and not associated with the winery, or the primary tasting room. It has the potential to cause negative impacts to the neighborhood, related to noise. All events, tasting and other hospitality related aspects of the project should be located in close proximity or in the same building as the production facility located at the north end of the site.

STAFF RECOMMENDATION

Adopt the Mitigated Negative Declaration and approve the Use Permit for a winery with a maximum annual production capacity of 40,000 cases, and 1,100 barrel micro brewery with public tasting, 18 special events a year, allowed by the pond and in/at the wine production facility and participation in 5 industry-wide events but deny the request for a separate event center after making the following findings and subject to the conditions in Exhibit A.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the Diverse Agricultural (DA) land use designation of the Sonoma County General Plan in that it proposes a winery/brewery and tasting room consistent with the permitted uses in the General Plan and as allowed by the Agricultural Resources Element policies AR-5a, AR-5c, AR-5g, AR-6a, AR-6d and AR-6f. The project is consistent with these policies in that:
 - a) the proposed 40,000 case winery would process grapes grown on site in addition to grapes grown offsite but within the local area of Sonoma County;
 - b) project floor plans do not show excessive storage areas beyond the amount required for the production of 40,000 annual cases;
 - c) the project would contribute to mitigating existing traffic conditions in the area;
 - d) 73% of the site would be used for agricultural production; and
 - e) the proportion of visitor-serving uses and processing uses are clearly incidental to the primary use of the property for agricultural production.
2. The project is consistent with the Diverse Agriculture (DA) Zoning District in that it proposes uses allowed with a Use Permit in the DA district including: 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 policies and criteria of the Agricultural Resources Element. The project meets the applicable setbacks and other development criteria of the DA district.
3. The project 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. Final approval by the Design Review Committee will ensure the building colors and design, the landscaping, irrigation, signage, and exterior lighting plans are in accordance with the guidelines in the Zoning Ordinance.

- b. Potential noise impacts will be less than significant because amplified sound at special events at the winery complex near Fremont Drive will not exceed County noise standards and shall be limited to the hours between 11:00 a.m. and 9:30 p.m., bottling shall occur indoors, and truck deliveries shall only occur during the hours between 7:00 a.m. and 10:00 p.m.
 - c. Traffic generated by the winery use will not have a significant impact on local public roads or intersections.
 - d. Adequate on-site parking can be provided for winery employees and tasting room visitors.
4. The Board of Zoning Adjustments has considered the Mitigated Negative Declaration prepared to address impacts peculiar to the project, together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Board of Zoning Adjustments and has been completed in compliance with CEQA and is adequate for this proposal.
 5. The Board of Zoning Adjustments finds that through feasible conditions placed upon the project, the significant impacts on the environment that are peculiar to the project have been eliminated or substantially mitigated to less than significant levels.
 6. The site has capacity to provide septic, water, and access for the project.
 7. The proposed brewery will process hops grown on site which can supply most, if not all, of the brewery's needs for this product. The winery will also process grapes grown on site and in the local area.

LIST OF ATTACHMENTS

EXHIBIT A: Draft Conditions of Approval
EXHIBIT B: Proposal Statement
EXHIBIT C: Vicinity Map
EXHIBIT D: Site Plan
EXHIBIT E: Landscaping Plan
EXHIBIT F: South Building Elevation
EXHIBIT G: Floor Plan
EXHIBIT H: Public Comment Letters
EXHIBIT I: Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

May 8, 2015

To: Interested Agencies

The following application has been filed with the Sonoma County Permit and Resource Management Department.

File Number: PLP09-0062
Applicant Name: Vina Management Service
Owner Name: Same
Site Address: 2475 Fremont Drive, Sonoma
APN: 135-012-001

Project Description: Request for a revision to a previously approved Use Permit for a winery to allow for four (4) tasting rooms, two (2) for wine tasting, one (1) for beer tasting and one (1) for grape vodka tasting.

We are submitting the above application for your review and recommendation. Additional information is on file in this office.

Responses to referrals should include: (1) statement of any environmental concerns or uncertainties your agency may have with the project; (2) any comments you wish to make regarding the merits of the project; and (3) your proposed conditions and mitigations for this project. Responsible agencies under CEQA are requested to indicate whether permits will be required for this project.

Your comments will be appreciated by May 29, 2015, and should be sent to the attention of:

PLP09-0062, Sigrid Swedenborg (Sigrid.Swedenborg@sonoma-county.org). The Project Planner can also be reached at 707-565-1914.

Please send a copy of your comments to the applicant(s) or their representatives as indicated on the attached Planning Application.

- | | |
|---|---|
| <input type="checkbox"/> PRMD County Surveyor | <input checked="" type="checkbox"/> BOS Dist 1 Director and Commissioners |
| <input checked="" type="checkbox"/> Health Specialist | <input checked="" type="checkbox"/> SVCAC |
| <input type="checkbox"/> Sanitation | <input checked="" type="checkbox"/> Valley of the Moon Alliance and Kenwood Press |
| <input type="checkbox"/> Grading and Storm Water | <input type="checkbox"/> NW Information Center, S.S.U. |
| <input type="checkbox"/> SUSMP | <input type="checkbox"/> Milo Baker Chapter Conservation Committee |
| <input type="checkbox"/> Building Inspection | <input type="checkbox"/> PG&E |
| <input type="checkbox"/> Code Enforcement | <input type="checkbox"/> School District - |
| <input type="checkbox"/> Road Naming | <input type="checkbox"/> Water District - |
| <input checked="" type="checkbox"/> So. Co. Environmental Health | <input checked="" type="checkbox"/> North Bay Corporation (Disposal) |
| <input checked="" type="checkbox"/> DTPW, Land Development | <input type="checkbox"/> U.S. Army Corps of Engineers |
| <input type="checkbox"/> DTPW, Drainage | <input type="checkbox"/> State Coastal Commission - Appealable Yes / No |
| <input type="checkbox"/> Ag Commissioner | <input checked="" type="checkbox"/> State Dept of Water Resources Control Board |
| <input checked="" type="checkbox"/> Regional Parks Dept | <input checked="" type="checkbox"/> State Parks and Recreation-Duncans Mills Office |
| <input checked="" type="checkbox"/> Fire and Emergency Services | <input checked="" type="checkbox"/> Sonoma MOAG |
| <input checked="" type="checkbox"/> Local Fire District - Shell Vista | <input checked="" type="checkbox"/> Apple Roots Group |
| <input type="checkbox"/> Treasurer/Special Assessment | <input checked="" type="checkbox"/> Cloverdale Rancheria Band of Pomo Indians |
| <input type="checkbox"/> Assessor | <input checked="" type="checkbox"/> Mishewal Wappo Tribe |
| <input checked="" type="checkbox"/> Economic Development Board | <input checked="" type="checkbox"/> Lytton Band of Pomo Indians |
| <input checked="" type="checkbox"/> Transit/BPAC | <input checked="" type="checkbox"/> Caltrans |
| <input checked="" type="checkbox"/> SCTA/RCPA | |
| <input type="checkbox"/> Communications | |
| <input type="checkbox"/> Landmarks Commission | |
| <input type="checkbox"/> Sheriff Community Service Officer | |
| <input type="checkbox"/> LAFCO | |
| <input type="checkbox"/> ALUC/CLUP | |

Armando Ceja Winery and Micro Brewery
Interim Tasting Rooms and
New Tasting Room for Distilled Spirits
Use Permit Modification
Sonoma, CA

Proposal Statement/Project Description

The proposed Armando Ceja Winery Conditional Use Permit (PLP09-0062) was approved on October 28th, 2010 and included the phased development of a new 40,000 case winemaking facility and 1100 barrel micro brewery with public tasting on a 41 acre parcel located at 2475 Fremont Drive in Sonoma, California.

The facility includes 4 approved hospitality areas allowing for public tastings. Phase I allowed for a tasting room in Building 'A', half of which was allocated for wine tasting and the other half for beer. There were two additional interim tasting areas, one in the Brewery Barn for temporary beer tasting and one in the converted residence for temporary wine tasting. Phase II allows for a new tasting room in a new hospitality building located on the southern portion of the site.

This Use Permit Modification requests that:

- (1) The permanent tasting room in Building 'A' be dedicated to wine tasting only,
- (2) The temporary tasting room in the Brewery Barn be made permanent (dedicated to beer tasting),
- (3) The temporary tasting room in the converted residence also be allowed to become permanent (dedicated to wine tasting) and,
- (4) A new tasting room be allowed within Building 'A', dedicated to Grape Vodka tasting. Please see attached letter dated February 5th, 2015 stating that such a tasting room would be allowed as substantially in compliance with the approved Use Permit.

We do not propose that the overall square footage of tasting areas be increased in order to achieve the addition of the new Grape Vodka tasting room, or the change in status from temporary to permanent of the other two tasting rooms. Rather, we proposed to decrease the amount of square footage dedicated to hospitality in the approved Phase II building.

The proposed changes to hospitality square footages are as follows:

Permanent tasting room in Building 'A' - no net change.	
Tasting in Brewery Barn to change from temporary to permanent is:	646 s.f.
Tasting in Converted Residence to change from temporary to permanent is:	505 s.f.
New tasting room proposed for Grape Vodka tasting in Building 'A' is:	555 s.f.
Total added permanent square footage to project is:	1706 s.f.
Total square footage to be removed from Phase II Hospitality is:	1706 s.f.

Please see attached drawings for clarification.

No other changes or modifications to the previously approved Use Permit are proposed or anticipated.

Supplemental Application Information

Existing use of property: Brewery - Winery Tasting Room

Acreage: 40.25 AC

Existing structures on property: Tasting House - Brewery Winery

Proximity to creeks, waterways and impoundment areas: None

Vegetation on site: Vineyard - Land Scape Ornamentals

General topography: Valley Floor

Surrounding uses to (Note: An adjoining road is not a use.)
North: Agg South: Agg
East: Agg West: Agg

New structures proposed (size, height, type):

Number of employees: Full time: 2 Part time: 2 Seasonal: 1

Operating days: 7 days/week Hours of operation: 10:00^{am} - 5:30^{pm}

Number of vehicles per day: Passenger: _____ Trucks: _____

Water source: Well Sewage disposal: Eng mound System

Provider, if applicable: _____ Provider, if applicable: _____

New noise sources (compressors, power tools, music, etc.):

Grading proposed: Amount of cut (cu. yds.): _____ Amount of fill (cu. yds.): _____ Will more than one acre be disturbed by construction of access roads, site preparation and clearing, fill or excavation, building removal, building construction, equipment staging and maintenance, or other activities? Yes _____ No X If Yes, indicate area of disturbance(acres): _____ Identify method of site drainage (sheet flow, storm drain, outflow to creek or ditch, detention area, etc.):

Vegetation to be removed: _____

Will proposal require annexation to a district in order to obtain public services: Yes _____ No X

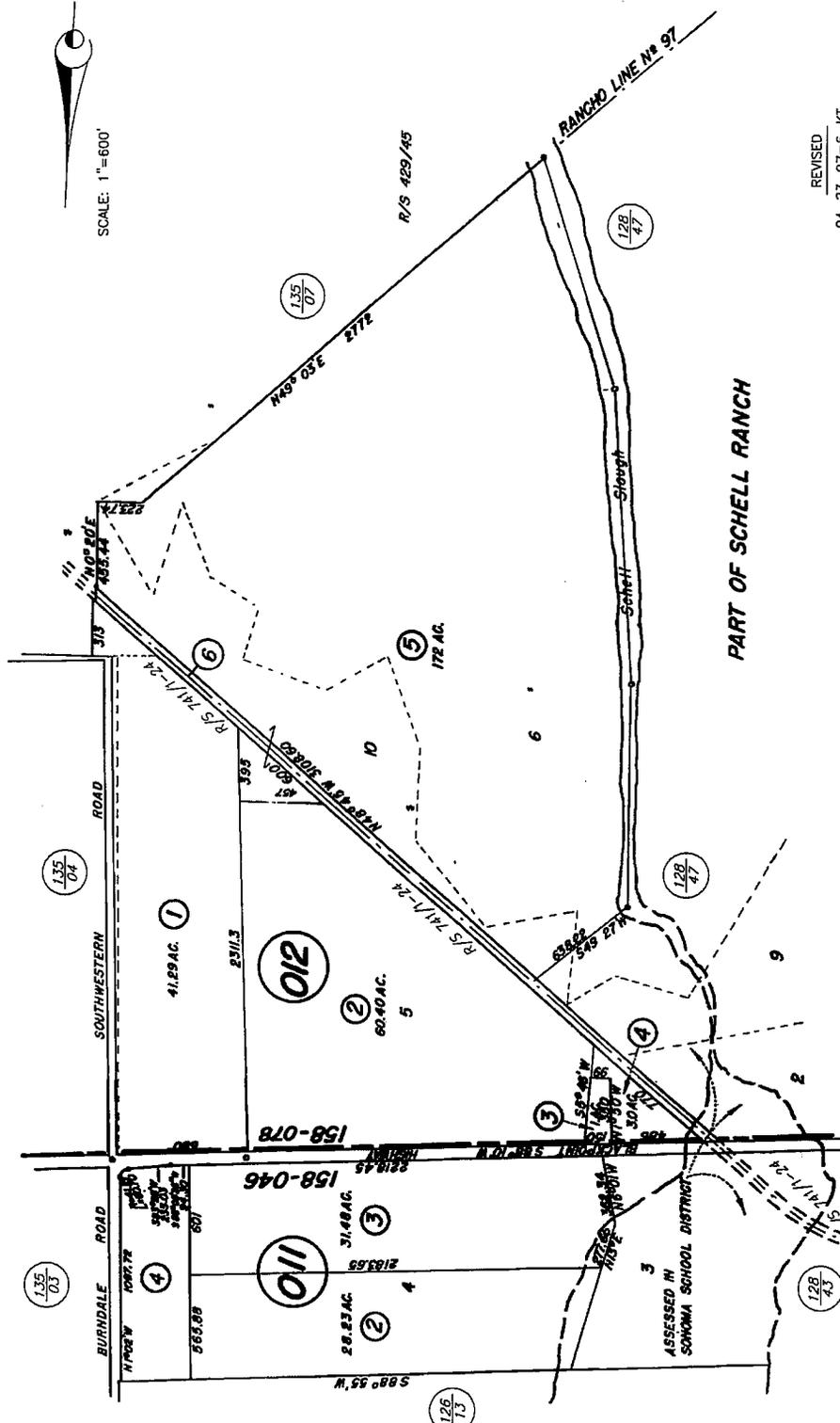
Are there currently any hazardous materials (chemicals, oils, gasoline, etc.) stored, used or processed on this site? Yes _____ No X

Will the use, storage, or processing of hazardous materials occur on this site in the future if this project is authorized? Yes _____ No X

COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA
158-046
158-078

135-01



REVISED
04-23-97=6-KT
01-26-11=R/S-KB

NOTE: This map was prepared for Assessment purposes only and does not indicate either parcel legality or a valid building site. No liability is assumed for the accuracy of the data delineated. The acreages are based on the information shown on recorded deeds, prior assessment maps, etc.)

NOTE: Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.

County of Sonoma
Santa Rosa, California

October 28, 2010
PLP09-0062 Sigrid Swedenborg

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A
MITIGATED NEGATIVE DECLARATION AND GRANTING A USE
PERMIT FOR A WINERY AND BREWERY FOR PROPERTY
LOCATED AT 2475 FREMONT DRIVE, SONOMA; APN 135-120-
001.

WHEREAS, the applicant, Armando Ceja, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a winery with a maximum annual production capacity of 40,000 cases, and 1,100 barrel micro brewery with public tasting, 18 special events, and participation in 5 industry-wide events a year on a 41 acre parcel located at 2475 Fremont Drive, Sonoma; APN 135-120-001; Zoned DA (Diverse Agriculture), B6-20 acre density, F2 (Floodplain Combining District), SR (Scenic Resource), VOH (Valley Oak Habitat); 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 October 28, 2010, 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 Diverse Agricultural (DA) land use designation of the Sonoma County General Plan in that it proposes a winery/brewery and tasting room consistent with the permitted uses in the General Plan and as allowed by the Agricultural Resources Element policies AR-5a, AR-5c, AR-5g, AR-6a, AR-6d and AR-6f. The project is consistent with these policies in that: a) the proposed 40,000 case winery would process grapes grown on site in addition to grapes grown offsite but within the local area of Sonoma County; b) project floor plans do not show excessive storage areas beyond the amount required for the production of 40,000 annual cases; c) the project would contribute to mitigating existing traffic conditions in the area; d) 73% of the site would be used for agricultural production; and e) the proportion of visitor-serving uses and processing uses are clearly incidental to the primary use of the property for agricultural production.
2. The project is consistent with the Diverse Agriculture (DA) Zoning District in that it proposes uses allowed with a Use Permit in the DA district, including: 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 policies and criteria of the Agricultural Resources Element. The project meets the applicable setbacks and other development criteria of the DA district.
3. The project 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. Final approval by the Design Review Committee will ensure the building colors and design, the landscaping, irrigation, signage, and exterior lighting plans are in accordance with the guidelines in the Zoning Ordinance.
 - b. Potential noise impacts will be less than significant because amplified sound at special events will be attenuated by sound walls so as not to exceed County noise standards and shall be limited to the hours between 11:00 a.m. and 9:30 p.m., bottling shall occur indoors, and truck deliveries shall only occur during the hours between 7:00 a.m. and 10:00 p.m.
 - c. Traffic generated by the winery use will not have a significant impact on local public roads or intersections.
 - d. Adequate on-site parking can be provided for winery employees and tasting room visitors.
4. The Board of Zoning Adjustments has considered the Mitigated Negative Declaration prepared to address impacts peculiar to the project, together with the comments received and considered during the public review process. The Board of Zoning Adjustments finds 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.
 5. The Board of Zoning Adjustments finds that through feasible conditions placed upon the project, the significant impacts on the environment that are peculiar to the project have been eliminated or substantially mitigated to less than significant levels.
 6. The site has capacity to provide septic, water, and access for the project.
 7. The proposed brewery will process hops grown on-site which can supply most, if not all, of the brewery's needs.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments hereby determines that the environmental impacts associated with the project will be mitigated to less than significant by Mitigation Measures incorporated into the Conditions of Approval.

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.

Resolution # 10-028

October 28, 2010

Page 3

THE FOREGOING RESOLUTION was introduced by Commissioner Williams, who moved its adoption, seconded by Commissioner Schaffner, and adopted on roll call by the following vote:

Commissioner Williams	Aye
Commissioner Feibusch	Absent
Commissioner Schaffner	Aye
Commissioner Lynch	Aye
Commissioner Cook	Aye

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

Final Conditions of Approval
EXHIBIT A

Date:	October 28, 2010	File No.:	PLP09-0062
Applicant:	Armando Ceja	APN:	135-120-001
Address:	2475 Fremont Drive, Sonoma		

Project Description: Request for a Use Permit for a winery with a maximum annual production capacity of 40,000 cases, and a 1,100 barrel micro brewery with public tasting, participation in 5 industry-wide events and 18 special events a year.

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

BUILDING:

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
2. 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.

HEALTH:

"The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT

Water:

3. 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.

4. 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.
5. 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.

6. 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.
7. Prior to building permit issuance 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 one gallon per minute for each project activity such as each commercial facility, special events, and each tasting room, and for each residence, or hospitality unit, conducted during the dry season (July 15 through October 1). (Testing procedures for 1-2 project activities = 8-12 hour test, 3-4 activities = 18-24 hour test, and 72 hour test for 5 or more activities).
8. 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 and County Counsel prior to recordation.
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, nitrate, total recoverable hydrocarbons, TPH-gasoline, TPH-diesel, volatile hydrocarbons, semi-volatile hydrocarbons 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 re-test the well and treat the well per County requirements in the case of bacterial contamination. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. In the case of automobile repair related contamination an investigation may be required by the San Francisco Bay Regional Water Quality Control Board. Copies of all laboratory results must be submitted to the Project Review Health Specialist.

Septic:

10. 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. Portable toilets may be used for the four largest special events, and for special events where the septic system lacks sufficient design capacity consistent with PRMD Policy 9-2-31. The septic system capacity increase to accommodate special events shall be sized on the fifth largest special event as follows: 5 to 10 special events shall provide 25% of the 5th largest event, 11 to 25 Special Events shall provide 50% of the 5th largest event, and 26 special events or more shall require 100% of the 5th largest event. 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 PRMD Well and Septic Section that all required septic system testing and design elements have been met.
11. Application for wastewater discharge requirements shall be filed by the applicant with the San Francisco Bay 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). If the Water Board refused comment, then the WDRs will be administratively approved 140 days after a complete application is submitted and 90 days after the CEQA document is approved, per Water Code Section 13264. A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.

12. Prior to building permit issuance and vesting the Use Permit, the applicant shall demonstrate that all portions of the proposed sewage disposal system(s) and reserve areas will maintain a 100-foot setback from the 10-year flood elevation of as determined by a civil engineer working with the PRMD Grading and Storm Water Section.
13. The process wastewater settling tanks shall be installed under permit of PRMD and shall be installed at the applicant's sole risk regarding subsequent suitability for use, if installed prior to the issuance of Waste Discharge Requirements (WDRs) from the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB). After passing water tightness tests, the process wastewater settling tanks may be used to temporarily store brewery wastes for subsequent off-site disposal to a permitted Publicly Owned Treatment Works (POTW) such as East Bay Municipal Utility District or other POTW acceptable to PRMD under the following conditions:
 - a. Off-site disposal of brewery wastes may continue for a period of one year from the date of project approval, after which disposal to a permitted on-site disposal system with issued or administratively approved WDRs is required.
 - b. Any time extension beyond one year shall require the issuance of an operating permit by PRMD for the process wastewater settling tanks use as a holding tank. Only a single one year time extension may be approved.
 - c. Any use of the wastewater settling tanks as holding tanks shall require the installation of an audible high-level alarm system under permit from PRMD.
 - d. Any use of the wastewater settling tanks as holding tanks shall require the applicant to store records for five years of the quantity of waste hauled, the name and address of the hauling company, and receipts issued by the receiving POTW. Records shall be made available upon request to PRMD or the SFBRWQCB. Photocopies of these records shall be submitted to PRMD for review at the end of one year from the date of approval of this project.
14. 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. For planned tenant improvements, installed central water and wastewater lines the length of the building with appropriate breakout floor design is acceptable.

Hazardous Waste:

15. After demolition of the former auto repair building, but prior to the building permit for the replacement structure and prior to any trenching for building footings or underground utilities near the auto repair building, the services of a qualified professional acceptable to PRMD or the San Francisco Regional Water Quality Control Board (SFBRWQCB) shall be engaged to observe the trenching activities, monitor and sample any suspect contaminated soil, and direct separate stockpiling of suspicious soil. Construction workers shall not be allowed to enter trenches suspected of contamination until laboratory samples confirm Non-Detect or other acceptable levels of contamination. Suspect contaminated soil shall only be disposed of to a site permitted to accept the levels of contamination shown in the laboratory test results. If contaminated soils are found,

further construction may be delayed until the SFBRWQCB is satisfied that the extent of the contamination is defined and that the site has been successfully remediated.

Consumer Protection:

16. Prior to the issuance of building permits, vesting the Use Permit and the start of any 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 707-565-6547 for information and instruction sheet. An e-mail of 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).

Noise:

17. Prior to constructing the Hospitality Center and vesting the Use Permit, noise barrier walls shall be constructed for outdoor activity areas in accordance with the Sound Report dated March 22, 2010, by Illingworth and Rodkin. The design and final construction of the barriers must be approved in writing by the consultant. Barrier height in relation to pad elevation must be certified by the project engineer. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction of the sound wall to the Sound Report requirements.

Vector Control:

18. 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 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.

BUILDING

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 Building Plan Check Section of PRMD. (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.

PRIOR TO OCCUPANCY

Water:

20. Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. A water meter (or meters) 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 Project Review Health Specialist at PRMD.

OPERATIONAL REQUIREMENTS

Water:

21. 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.
22. A safe, potable water supply shall be provided and maintained.
23. 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 or if salinity levels are increasing, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
24. The subject site is separated from saltwater marsh by the railroad tracks and is in an area identified by the USGS as showing a northward movement of groundwater salinity relative to data published in the 1950s and 1960s. Sonoma County General Plan polices WR-1u and WR-1t require discretionary approvals to analyze and avoid increase in saltwater intrusion into groundwater. Based upon these policies, the permit holder shall support and fully participate in any future, area-wide saltwater intrusion abatement program recognized by PRMD and that includes this specific parcel in the program. Additionally, the permit holder shall monitor and if identified, abate saltwater intrusion as follows:
 - a. Quarterly monitoring for the minor elements Barium (0.03 mg/L minimum detection limit), Boron, Bromide and Iodide (0.06 mg/L minimum detection limit), to extend for one full year in order to establish a baseline for future comparison purposes, and shall be submitted with the regular groundwater monitoring data in January of each year.
 - b. Quarterly monitoring for the major ions Bicarbonate, Calcium, Carbonate, Chloride, Sodium and Sulfate, and Electrical Conductivity, or as modified by subsequent PRMD policy. The monitoring in this subsection is intended to run for the life of this Use Permit and shall be submitted with the regular groundwater monitoring data in January of each year.
 - c. In the event that the monitoring in subsection b. above indicates that saltwater intrusion is occurring as determined by PRMD, then the applicant shall conduct an additional year of quarterly monitoring to include the minor elements listed in subsection a. above. Within 15 months of notification by PRMD that saltwater intrusion appears to be occurring, the permit holder shall cause an analysis to be conducted by a California Registered Geologist to determine the nature and extent of saltwater intrusion on this site and any nearby sites for which data is readily available. The saltwater intrusion analysis is due 18 months after notification by PRMD that saltwater intrusion is occurring. This subsection is subject to modification by subsequent adoption of a PRMD saltwater intrusion monitoring policy.
 - d. In the event that the saltwater intrusion analysis confirms that saltwater is intruding into Well #1, then the permit holder shall institute a water conservation program approved by PRMD, and the permit holder shall drill a new well comparable to existing Well #2 in depth (approximately 70 to 100 feet deep as contrasted to the existing Well #1 which is about 440 feet deep) excepting that this new well shall be constructed with the required 50-foot annular seal. The project shall then be supplied by the new well, and the new well shall be subject to the same monitoring program as was required for Well #1. In the event that the new well is shown at some future date to also be impacted by saltwater intrusion analysis, then the permit holder shall decide to

- risk additional drilling (which if successful would be subject to monitoring), or to truck in a potable water supply. If a hauled potable water supply is begun, the hauled water after delivery shall be subject to quarterly bacterial monitoring and repeat sampling when bacterial contamination is present as described in the California Code of Regulations Title 22, Division 4, Chapter 15, Section 64424, and treatment with an applicable best available technology (Section 64447).
- e. The permit holder shall earnestly endeavor to maintain the existing supply of tertiary treated wastewater for vineyard irrigation purposes as a means of reducing groundwater demand and thereby reducing the potential for saltwater intrusion on this site. If the tertiary treated wastewater supply is terminated, the permit holder shall attempt to secure any other suitable, second use, off-site irrigation water supply that may be available.
 - f. The permit holder shall not ship winery wastewater off-site that could be reasonably disposed of on-site, and thereby potentially increase freshwater recharge to shallow aquifers.
 - g. Any proposal to treat groundwater by desalinization requires a modification to the Use Permit in order to evaluate the potential impacts of a specific proposal.
25. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review at least once every five years.

Septic:

26. The use of portable toilets shall meet 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.
 - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment system or public sewer.
 - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
 - d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
 - e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
 - f. If complaints are received that PRMD believes are valid complaints, 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 special event and at future special events as directed by PRMD. The property owner and 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 relieve themselves at other impromptu locations.

v) Reliance upon portable toilets shall not create a public nuisance.

27. Maintain the Annual Operating Permit for any package treatment plant, alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable waste discharge requirements set by the Regional Water Quality Control Board.
28. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
29. 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.

Hazardous Materials Program:

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 Industry Permits from the Sonoma County Environmental Health Division prior to serving any food or beverage.

Noise:

32. Noise shall be controlled in accordance with the following as measured at the exterior property line of the residential or sensitive land uses adjacent (East) of the winery and hospitality building locations as follows:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures²

Hourly Noise Metric ¹ , dBA	Daytime at LT-1 (7 a.m. to 10 p.m.)	Night-time at LT-1 (10 p.m. to 7 a.m.)	Daytime Dwel-ling 1 (7 a.m. to 10 p.m.)	Night-time Dwel-ling 1 (10 p.m. to 7 a.m.)	Daytime Dwel-ling 2 (7 a.m. to 10 p.m.)	Night-time Dwel-ling 2 (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45	47	40	45	40
L25 (15 minutes in any hour)	55	50	50	45	50	45
L08 (5 minutes in any hour)	60	55	55	50	55	50
L02 (1 minute in any hour)	65	60	60	55	60	55

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. ² Values have been adjusted upward for ambient values and adjusted downward 5 dBA for music, Illingworth and Rodkin study dated March 22, 2010.

33. Special events shall be limited to the hours between 11:00 a.m. and 9:30 p.m.
34. Bottling shall occur indoors.

35. Truck deliveries shall only occur during the hours between 7:00 a.m. and 10:00 p.m.
36. Indoor amplified sound in the Hospitality Center shall only occur with the windows and doors closed (excepting the doors will be opened when entering or existing the building).
37. 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.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

38. The developer shall construct SR 12/121 improvements as follows:
 - a. Remove the existing stonewall and ditch and construct a paved shoulder on the highway frontage as directed by Caltrans.
 - b. Convert the existing highway entrance to emergency vehicle access (EVA).
 - c. Improve, to current state standards, the southwesterly Burndale Road approach located at the northeasterly corner of the applicant's parcel.

The developer shall obtain a State of California Encroachment Permit before making any improvements within State highway right-of-way. A copy of the finalized Encroachment Permit shall be submitted to the PRMD project planner prior to clearance of this condition.
39. The developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
 - a. As directed by Caltrans, to contain the road improvements described above along the applicant's frontage on SR 12/121. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
 - b. As necessary to create public right-of-way on the developer's side of Burndale Road to contain the roadway improvements described below. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
40. County road right-of-way shall be dedicated as roadway easement. The developer shall have prepared an Easement Deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded Deed shall be submitted to the Land Development Section of PRMD prior to clearance of these conditions.
41. The developer shall construct or install improvements described as follows:
 - a. Construct pavement returns, per Caltrans standards, at the southwesterly and southeasterly corners of the Burndale Road - SR 12/121 intersection to allow five-axle trucks to complete right-turn movements without crossing the roadway centerline.
 - b. Supplement the width of Burndale Road on the developer's side to create the improved roadway described below. The improvements shall be constructed between the intersection improvements described above and the northerly edge of the new truck entrance. The road width shall be measured between the existing easterly edge of pavement and the new edge of

pavement on the developer's side of the road, a minimum distance of 20 feet, and shall include:

- i) Two-ten (10) foot wide travel lanes,
- ii) Two-foot wide shoulder backing along the new edge of pavement.

The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, etc. all as necessary to create the required widths and structural section(s).

42. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the Soils Report shall be submitted with the first set of improvement plan check prints. The Traffic Index (TI) to be used for the pavement design of Burndale Road is 7.5. This condition is waived with a design based on an R-value of 5.0.
43. All project driveway entrances providing truck access to Burndale Road shall conform to the following criteria:
 - a. A minimum paved throat width of 40 feet,
 - b. Entrance curves having a minimum pavement radius of 40 feet,
 - c. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular,
 - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Burndale Road,
 - e. The entry shall be surfaced with asphalt concrete between the edge of the existing pavement and the right-of-way line, or a minimum distance of 25 feet, whichever is greater.
 - f. Refer to County of Sonoma Department of Transportation and Public Works Construction Standard Drawing 814, latest revision, for private road and driveway intersection details,
 - g. The entrance improvements shall be in place prior to occupancy.
44. For all other vehicular access to the property, entry to Burndale Road shall conform to the following criteria:
 - a. A minimum paved throat width of 24 feet,
 - b. Entrance curves having a minimum pavement radius of 25 feet,
 - c. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular,
 - d. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on Burndale Road,
 - e. The entry shall be surfaced with asphalt concrete between the edge of the existing pavement and the right-of-way line or a minimum distance of 25 feet, whichever is greater.
 - f. Refer to County of Sonoma Department of Transportation and Public Works (DTPW) Construction Standard Drawing 814, latest revision, for private road and driveway intersection details,
 - g. The entrance improvements shall be in place prior to occupancy.

45. Prior to issuance of any Phase II building permit, an Improvement Plan for Emergency Vehicle Access (EVA) shall be prepared and submitted to the County Fire Chief for approval. The EVA shall be designed and constructed in accordance with Division B, Emergency Access, Sonoma County Fire Safe Standards. A locked gate or other approved means to restrict ingress and egress shall be placed across the EVA entrance on Burndale Road prior to clearance of this condition. The developer shall obtain an Encroachment Permit from PRMD prior to constructing any improvements within County road right-of-way.
46. A stabilized entrance for on-site construction activity conforming to the following criteria shall be constructed prior to issuance of building permits:
 - a. The entrance shall be of sufficient width to accommodate two-way traffic.
 - b. The entrance surface shall be stabilized to prevent tracking of gravel and mud onto the public road.
 - c. The minimum sight distance for vehicles entering and exiting the construction entrance shall be in accordance with AASHTO requirements for the speed traveled on the public road(s) providing construction access.
47. The developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these Improvement Plans shall be a minimum 1-inch equals 40 feet, and shall be submitted on 24-inch by 36-inch sheets for review. The plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
48. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to PRMD, prior to signature of the Improvement Plans by the Director of DTPW.
49. Prior to issuance of any building permit which 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.
50. The developer shall submit Improvement Plans for all required improvements to the Office of the County Surveyor in PRMD for review and approval and must obtain signed approval from the Director of DTPW shall prior to the issuance of a Grading, Building or Encroachment Permit.
51. The applicant shall submit Improvement Plans for all required improvements to the office of the County Surveyor in PRMD for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any grading permit for the project. Either the public road Improvement Plans shall be signed by the Director of DTPW prior to the issuance of a building permit or the applicant shall obtain signed approval from the Director of DTPW. The Improvement Plans shall be signed by the Director of DTPW prior to the issuance of an Encroachment Permit for public road improvements.
52. The developer shall obtain an Encroachment Permit from PRMD prior to constructing any improvements within County road right-of-way.
53. Prior to occupancy of any new building or new use of an existing building which result from this application, the developer shall complete construction of all the required public improvements.

PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

54. This Use Permit allows for a winery with a maximum annual production capacity of 40,000 cases,

and 1,100 barrel micro brewery with public tasting, and participation in 5 industry-wide events and 18 special events a year, seven events with a maximum of 100 participants and 11 with 125 participants. Events can be held between 11:00 a.m. and 9:30 p.m. The production facility is 16,199 square feet in size, the winery/brewery facility is in two buildings totaling 17,304 square feet. The "Hospitality" building is 7,820 square feet. The permitted hours of operation for the production facility are 5:30 a.m. to 11:00 p.m., seven days a week, with additional hours, as needed, during crush as conditions may warrant. Hours of operation for the tasting room are between 11:00 a.m. and 5:30 p.m., seven days a week. The use shall be operated in accordance with the proposal statement, site plan and other application materials and reports located in File No. PLP09-0062 as modified by these conditions.

55. 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.
56. 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 \$2,010.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,060.25 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.
57. Prior to issuance of building permits, an Exterior Lighting Plan shall be submitted for review and approval by PRMD Project Review staff. 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 shall be full cut-off fixtures and shall not exceed four feet in height. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.

Mitigation Monitoring: PRMD shall not issue the building permit until an Exterior Night Lighting Plan has been reviewed and approved by PRMD Project Review staff and is consistent with the approved plans and County Design Standards. PRMD shall not sign off the Building Permit for occupancy 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, PRMD shall conduct a site inspection and require the property be brought into compliance or procedures to revoke the permit and terminate the use shall be initiated.

58. The following dust control measures will be included in the project:
 - a. Water or other dust palliative will be applied to unpaved portions of the construction site, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.
 - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
 - c. Paved roads will be swept as needed to remove any visible soil that has been carried onto them from the project site.

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.

59. Pomace is to be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
- a. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 - b. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 - c. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities a. through c. above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.

Mitigation Monitoring: If 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.

60. All building and/or grading permits shall have the following note printed on plan sheets:

"In the event that archaeological features 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 features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. 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.

61. In order to reduce greenhouse gas emissions, the applicant shall establish a carpooling/transit incentive programs to reduce the number of average daily trips. A photovoltaic system producing at least 12 kilowatts a year shall be installed.

Mitigation Monitoring: Prior to building permit issuance, the applicant shall submit the carpooling/transit incentive programs. Prior to obtaining final occupancy on the winery building the photovoltaic system must be installed.

62. All new structures, parking, landscaping structures, roads, utility lines, parking lots, new agricultural cultivation, planting of lawns, grading, fill or excavation must be setback a minimum of 50 feet from the blue line creek on the site.

63. If any valley oak trees (*quercus lobata*) are to be removed, the applicant must submit a "Notice of Intent to Cut Down or Remove Valley Oak Trees" form to PRMD establishing mitigation for the loss of the tree(s).

64. The applicant shall pay all applicable development fees prior to issuance of building permits.

65. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to PRMD from the County Fire Marshal/Local Fire Protection District.

66. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a Right-to-Farm declaration on a form provided by PRMD.

67. 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.

68. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.

69. Prior to building permit issuance, a Landscape Permit application shall be submitted for all new and rehabilitated landscaping, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Compliance with these regulations shall be verified by PRMD staff prior to Certificate of Occupancy.

70. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long-established uses and establish reasonable costs for managing the program.

71. The applicant shall maintain a minimum of 32 parking spaces on-site at the production facility and 26 designated spaces at the hospitality facility. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and

conditions herein.

72. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
73. All new structures, lighting and signs shall require final design review by the Design Review Committee prior to issuance of building permits. All exterior finishes shall be of non-reflective materials and colors.
74. Parking lot fixtures shall not exceed 5 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures.
75. The following types of food service are allowed under this permit:
 - a) Samples or tastes of pre-prepared food featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
 - b) Samples or tastes from cooking demonstrations featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
 - c) Appetizers or meals featuring local foods and food products offered in conjunction with charitable events or weddings/special events.
 - d) Appetizers or meals featuring local foods and food products offered in conjunction with marketing or promotional activities not open to drop-in guests or noticed to the general public.
 - e) Retail sales of pre-prepared food not associated with the activities described in a), b), c), and d) above, is allowed subject to the following limitations:
 - 1) Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this permit.
 - 2) Retail sales of pre-prepared food shall be for on-site consumption only.
 - 3) No restaurant or deli service is provided.
 - 4) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.
 - 5) No off-site signs advertising retail sales of pre-prepared food shall be allowed. However, one exterior on-site sign shall be permitted, subject to design review.

No other food service, including, without limitation, retail sales of cooked-to-order food, shall be allowed under this permit.

76. 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.
77. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as