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Resolution Number 07-0330

*Need 8
24" box*

County of Sonoma
Santa Rosa, California

*Oaks
to be
planted*

ATTEST: APR 30 2007

April 24, 2007
PLP02-0085 Steve Padovan

ROBERT DEIS, Clerk of the Board of Supervisors
of the State of California, In & for the County of
Sonoma

BY *[Signature]* DEPUTY

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
SONOMA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE
DECLARATION, ADOPTING A ZONE CHANGE TO REMOVE THE MR ZONE
OVERLAY ON A 25 ACRE PORTION OF THE SITE, AND APPROVING A USE
PERMIT WITH DESIGN REVIEW TO CONSTRUCT A 250,000 CASE WINERY
IN TWO PHASES ON THE PROPERTY LOCATED AT 4202 STAGE GULCH
ROAD; APN:142-051-024; SUPERVISORIAL DISTRICT NO. 1

*Look
into
a address
issue*

WHEREAS, the applicant, Carneros View Vineyards, LLC, filed an application with the Sonoma County Permit and Resource Management Department for (1) a Zone Change to remove the MR zoning overlay from a 25 acre portion of a 193 acre parcel currently under Williamson Act contract; and (2) a Use Permit and Design Review Permit for a winery on the 25 acre portion of the property to be implemented in two phases. The phased development is as follows: Phase I consists of all aspects of wine production (crushing, fermenting, barrel storage, bottling, case goods storage and administrative/operational support requirements) and includes construction of a new ±52,000 square foot production building, grape crush and receiving area, wastewater treatment pond, septic system, parking area, and paved driveway access improvements to provide for an annual production capacity of up to 250,000 cases; Phase II includes tasting and hospitality uses housed in two separate existing structures (±1,260 square foot house and ±4,200 square foot barn) with a new access road and parking area at 4202 Stage Gulch Road, Sonoma; APN 142-051-024; Zoning: LEA (Land Extensive Agriculture) B6-100 acre density; MR (Mineral Resource); Z (Second Unit Exclusion); G (Geologic Hazard); SR (Scenic Resource); Supervisorial District No. 1.

WHEREAS, a mitigated negative declaration ("the Mitigated Negative Declaration") was prepared and posted for the Proposed Project in accordance with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines; and

WHEREAS, the Planning Commission did, in accordance with the provisions of law, conduct a public hearing on the Mitigated Negative Declaration and the Proposed Project on March 1, 2007, and voted, by a 5-0-0-0 vote, to recommend that the Board approve the Proposed Project; and

WHEREAS, the Planning Commission's recommendation on the Proposed Project has been reviewed and considered by the Board of Supervisors; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on April 24, 2007, at which time all interested persons were given an opportunity to be heard on the Proposed Project; and

WHEREAS, the Board of Supervisors makes the following findings concerning the Mitigated Negative Declaration:

1. The Mitigated Negative Declaration was prepared, noticed, and circulated for public and agency review in accordance with all procedural and substantive requirements of CEQA and the State CEQA Guidelines.
2. The Mitigated Negative Declaration identifies and evaluates all of the potential environmental effects of the Proposed Project, and, therefore, constitutes an adequate, accurate, objective, and complete mitigated negative declaration for the purposes of approving the Proposed Project, and represents a good faith effort to achieve completeness and full environmental disclosure for the Proposed Project. The Board of Supervisors certifies that it has reviewed and considered the Mitigated Negative Declaration, together with all comments received during the public review process, prior to reaching its decision on the Proposed Project.
3. Based on the record of these proceedings, the Board of Supervisors finds that there is no substantial evidence before it that the Proposed Project, as mitigated by the mitigation measures included in the conditions of approval, will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.
4. To ensure that the project revisions and mitigation measures identified in the Mitigated Negative Declaration are implemented, the Board of Supervisors is required by CEQA and the State CEQA Guidelines to adopt a mitigation monitoring program on the revisions the Board has required in the Proposed Project and the measures the Board has imposed to mitigate or avoid significant environmental effects. The mitigation monitoring program for the Proposed Project ("Mitigation Monitoring Program") is set forth in the Conditions of Approval. The Mitigation Monitoring Program will be implemented in accordance with all applicable requirements of CEQA and the State CEQA Guidelines.
5. The Board of Supervisors finds that there is no evidence in the record that the Proposed Project has any potential for adverse effects on wildlife resources or habitat. The Board of Supervisors declares, therefore, that it has, on the basis of substantial evidence, rebutted the presumption of adverse effect set forth in California Code of Regulations, title 14, section 753.5, subsection (d), for the Proposed Project.

WHEREAS, the Board of Supervisors makes the following findings concerning the Proposed Project:

1. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that mitigation measures are incorporated into the project. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

2. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. Traffic generated by the use will not have a significant effect on private roads and state highways, based on the traffic study and subsequent updates, review by Caltrans and County Transportation and Public Works Department review. A left turn lane shall be constructed on Stage Gulch Road prior to occupancy of any winery or hospitality related structures and traffic mitigation fees will be sufficient to reduce traffic impacts to a less than significant level.
 - b. The project will be visually screened from the scenic corridor through the retention of existing trees, the installation of a significant landscaping around the perimeter of the buildings and parking areas, the use of earthtone colors for all structures and limitations on lighting of signs and outdoor areas. The Design Review Committee will review the landscape and building plans to ensure that the visual impacts are minimized.
 - c. Potential noise impacts will be minimal due to the limited number of noise sensitive receptors in the surrounding areas, the placement of all production facilities within the building, the existing high ambient noise levels in the area due to the highway, the soil amendment plant and the waste transfer station.
 - d. There are no natural habitat areas on-site that will be disturbed and no wetlands impacted based on the existing disturbed nature of the site where the winery will be located. Building setback lines have been established along Champlin Creek to protect the riparian habitat and no significant barriers to migration will be installed as a result of this project.
3. The proposal is consistent with the General Plan land use designation of Land Extensive Agriculture, which allows wineries, defining them as agricultural processing facilities related to resource production.
4. The proposal is consistent with the LEA zoning, which allows processing of agricultural products of a type grown or produced on-site or in the immediate area and tasting rooms for agricultural products processed on site, if a Use Permit is obtained.
5. The project is consistent with General Plan Policy AR-6d in that the tasting room will sell wine produced on site, is compatible with wine production and will not require the extension of sewer and water.
6. The removal of the MR combining district zoning on the winery site will not be detrimental to regional mineral resources because the quarrying operations have been completed, an amended reclamation plan has been reviewed and approved by PRMD,

grading and contouring of the winery site has been completed and after a thorough inspection, the County has released the operator from further responsibilities for the Phase I area deeming the site reclaimed for a new use. The placement of the proposed winery at this site will not affect quarrying operations in the remaining mineral reserve areas.

7. Wineries, tasting and hospitality uses are consistent with the Williamson Act contract because: 1) they will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or on other contracted lands in agricultural preserves because the tasting room and hospitality uses are marketing tools to help sell the wine which will, in turn, insure the long term viability of the vineyard and winery. The proposed use will not affect agricultural capability on other contracted lands except in a positive way if the winery purchases grapes from the local area; 2) they will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or on other contracted land in agricultural preserves because the new structures will be located within existing structures or on land reclaimed from quarry operations and the footprint of the area to be used for tasting and hospitality uses totals approximately 5,000 square feet, which is insignificant relative to the size of the entire contracted property; and 3) the use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. This project would not affect the agricultural use on adjacent properties except in a positive way.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby finds, determines, declares, and orders as follows:

1. The foregoing recitals are true and correct, are supported by substantial evidence in the record, and are adopted as herein above set forth.
2. The Mitigated Negative Declaration is adopted. PRMD is directed to file a notice of determination in accordance with CEQA and the State CEQA Guidelines.
3. The Proposed Project is approved as follows:
 - (a) The Zone Change is approved by Ordinance No. 5722.
 - (b) The Use Permit and Design Review Permit are approved, subject to the conditions of approval set forth in Exhibit "A," attached hereto and incorporated herein by this reference.
4. The Mitigation Monitoring Program set forth in Exhibit "A" is adopted. PRMD is directed to undertake monitoring in accordance with Mitigation Monitoring Program to ensure that required project revisions and mitigation measures are complied with during project implementation.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be

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found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

SUPERVISORS VOTE:

Kerns: aye Smith: absent Kelley: aye Reilly: aye Brown: aye

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

SO ORDERED.

EXHIBIT A
Final Conditions of Approval

Date: April 24, 2007
Applicant: Carneros View Vineyard
Address: 4202 Stage Gulch Road, Sonoma

File No.: PLP02-0085
APN: 142-051-024

Project Description: Request for (1) a Zone Change to remove the MR zoning overlay from a 25 acre portion of a 193 acre parcel currently under Williamson Act contract; and (2) a Use Permit and Design Review Permit for a winery on the 25 acre portion of the property to be implemented in two phases. The phased development is as follows: Phase I consists of all aspects of wine production (crushing, fermenting, barrel storage, bottling, case goods storage and administrative/operational support requirements) and includes construction of a new $\pm 52,000$ square foot production building, grape crush and receiving area, wastewater treatment pond, septic system, parking area, and paved driveway access improvements to provide for an annual production capacity of up to 250,000 cases; Phase II includes tasting and hospitality uses housed in two separate existing structures ($\pm 1,260$ square foot house and $\pm 4,200$ square foot barn) with a new access road and parking area to serve them.

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

BUILDING:

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

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

TRANSPORTATION AND PUBLIC WORKS:

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

2. The developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
 - a. As necessary to create public right-of-way to accommodate future re-alignment of Hwy 116 on the developer's side of the road, for the full length of the property's frontage on State Highway 116. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
 - b. To construct and maintain 50 foot pavement radius at all intersections.
 - c. To contain all public drainage facilities.

The public right-of-way described above shall be widened as necessary to contain the improvements required by this approval, including all cuts and fills necessary to construct these facilities.

3. Right-of-way shall be dedicated using a Grant Deed. The developer shall have prepared a Grant Deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded Grant Deed shall be submitted to the Land Development Section of the Permit and Resource Management Department prior to clearance of these conditions.
4. 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 also be submitted with the first set of improvement plan check prints. The Traffic Index (TI) to be used for the pavement design of Highway 116, is 12.0, unless changed by consultation with Caltrans.

5. The developer shall mill, repair and overlay the existing pavement as necessary to make a smooth transition between the existing pavement and the new pavement.
6. The developer shall have designed and constructed storm drainage facilities in accordance with Sonoma County Water Agency design standards. Drainage facilities shall be reviewed and cleared by the Drainage Review Section of the Permit and Resource Management Department.
7. The developer shall implement the requirements of the National Pollutant Discharge Elimination System (NPDES) Program and shall submit a copy of the Notice of Intent (NOI) to the Permit and Resource Management Department prior to approval of this application.
8. All NPDES related treatment of stormwater runoff associated with this development shall take place outside of the public road right of way. The Department of Transportation and Public Works shall not be responsible for maintenance of any NPDES related facilities associated with this project.
9. The applicant/developer shall contribute a "fair share" toward the County of Sonoma's financial obligation to Caltrans for the future left turn lane on Stage Gulch Road (Highway 116). The left turn lane and access road improvements shall be constructed by Caltrans. The "fair share" amount shall be considered a percentage of the Sonoma County contribution as required by Caltrans solely for the construction of the left turn lane. Additionally, the "fair share" contribution is based only on the cost of design and construction of the left turn lane and based upon the project's use of the access road. The Department of Transportation and Public Works shall determine the actual cost from a study performed by the Department of Transportation and Public Works. The developer shall enter into a written agreement with the County for payment of the developer's share of the County's obligation of the deferred left turn/access road costs. The County will deposit these funds into an account to pay for construction of the left turn improvements on Stage Gulch Road (Hwy 116) in the future.

Mitigation Monitoring: The applicant's "fair share" percentage of the cost of the left turn lane shall be paid prior to issuance of building permits.

10. 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.
11. Prior to construction of any improvements that are to be made within County road right-of-way, the developer must obtain an Encroachment Permit from the Permit and Resource Management Department.

HEALTH:

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

PRIOR TO BUILDING PERMIT:

12. Prior to building permit issuance, the applicant shall cause the proposed water supply system to be evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 1998 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review.

13. Prior to building permit issuance, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of your 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.
14. Prior to the issuance of building permits apply for a water supply permit from the State Health Department, Office of Drinking Water if more than 25 persons per day for 60 days within a year are served by the water system. (This process should begin as soon as possible, as the application, plan check and sampling may take some time.) Copies of the approval letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may E-mail approval directly to PRMD.
15. If a water supply permit is required, then the water supply well is required to have a 50 foot annular seal. Annular seals are installed at the time of construction of the water well, and are very difficult (and sometimes impossible) to retro-fit in an economic manner. If documentation of a 50 foot annular seal cannot be obtained, then a new water well may be required.
16. Prior to the issuance of any building permit, an easement is required to be recorded for this project to provide Sonoma County personnel access any on-site water well and any monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 AM to 5:00 PM. All easement language is subject to review and approval by PRMD-Project Review and County Counsel prior to recordation.
17. Prior to building permit issuance, a permit for the sewage disposal system shall be obtained. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis and percolation testing may be required. Groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources. The Project Review Health Specialist shall receive a final clearance from the District Specialist that all required septic system testing and design elements have been met.
18. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building, grading for ponds or septic permit issuance. A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a certificate of occupancy or project operation. ***An application may be printed from the State Water Resources Control Board website at: www.swrcb.ca.gov/sbforms/***
19. Prior to building permit issuance, the applicant shall cause an analysis to be made by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources. Any necessary system expansion or modifications shall be done under permit and the current standards from the Well and Septic Section of the Permit and Resource Management Department and may require both soils analysis and percolation testing. The Project Review Health Specialist shall receive a final clearance from the District Specialist that all required septic system testing and design elements have been met.
20. 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.

21. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.
22. Prior to the issuance of building permits and the start of any construction, plans and specifications for any retail food facility must be submitted to, and approved by, the Environmental Health Division of the Health Services Department. Contact the Environmental Health Division at 565-6544 for information. The PRMD Project Review Health Specialist shall receive a letter of approval from the Environmental Health Division to verify compliance with requirements of the California Uniform Retail Food Facility Law (CURFFL).
23. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval to Building Plan Check. (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.
24. If pomace is to be disposed of, it shall be disposed of in a manner that does not create a discharge to surface water, or create nuisance odor conditions, or attract nuisance insects or animals, according to the following priority:
 1. Pomace shall be composted and land applied, or land applied and disced into the soil on vineyards or agricultural land owned or controlled by the applicant.
 2. Pomace shall be sold, traded or donated to willing soil amendment or composting companies that prepare organic material for use in land application.
 3. Pomace shall be transported to the County's composting facility at the Central Disposal Site (or any future location) in a fashion that allows the pomace to be used by the County's composting program.

Pomace shall not be disposed of into the County solid waste landfill by direct burial, except where all possibilities to dispose according to priorities 1 through 3 above have been exhausted. In all cases, care shall be taken to prevent contamination of pomace by petroleum products, heavy metals, pesticides or any other material that renders pomace unsuitable for composting with subsequent land application. Land application, placement of pomace into a composting facility or disposal shall occur within two weeks of the end of wine grape crush.
25. 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. The Project Review Health Specialist shall receive a copy of the vector control plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District.

PRIOR TO OCCUPANCY:

26. Prior to occupancy, backflow prevention devices shall be installed on the water supply system as recommended, after concurrence with the hazard evaluation and recommendations for cross connection control report by the Permit and Resource Management Department. The Project Review Health Specialist shall receive a letter from the Cross connection Control Specialist stating that backflow prevention has been installed as recommended.
27. Prior to occupancy, any new or existing water well serving this project shall be fitted with a water meter.

28. A separate, dedicated monitoring well is required to be drilled for this project. The monitoring well is required to be drilled under permit of this Department and shall be of a depth, screening and development comparable to the supply well. The monitoring well shall be located as far away from other wells, ponds and wastewater disposal fields as is consistent with being in the same geologic formation as the primary well and being accessible by street vehicle. The monitoring well location shall be approved by PRMD in advance of construction. The monitoring well shall be marked with a water level measuring reference point, and the GPS coordinates (in NAD83 California State Plane II or WGS 84 lat./long.) of the monitoring well shall be submitted to PRMD.
29. Prior to the operation of any retail food facility, a Food Industry Permit must be obtained from the Environmental Health Division of the Health Services Department. The PRMD Project Review Health Specialist shall receive a letter of approval from the Environmental Health Division to verify compliance with requirements of the California Uniform Retail Food Facility Law (CURFFL).

OPERATIONAL REQUIREMENTS:

30. All garbage and refuse on this site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid, and shall not be filled beyond a gross weight of 50 pounds (80 pounds if serviced by a mechanical lifting device). All garbage and refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of to a County Transfer Station or County Landfill before the end of the seventh day. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.
31. 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.
32. A safe, potable water supply shall be provided and maintained.
33. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this site shall be monitored quarterly and reported to PRMD in January of the following year pursuant to section RC-3b of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance.
34. 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.
35. Maintain the annual operating permit for any Alternative (mound or pressure distribution) or Experimental septic system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
36. 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.
37. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving food at any tasting room activity or special event.
38. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

Maximum Exterior Noise Level Standards, dBA

Cumulative Duration of Noise Event in any one-hour Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
30-60 Minutes	50	45
15-30 Minutes	55	50
5-15 Minutes	60	55
1-5 Minutes	65	60
0-1 Minutes	70	65

Limit exceptions to the following:

- A. If the ambient noise level exceeds the standard, adjust the standard to equal the ambient level.
- B. Reduce the applicable standards by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
- C. Reduce the applicable standards by 5 decibels if they exceed the ambient level by 10 or more decibels.

Mitigation Monitoring: Any noise complaints will be investigated by PRMD staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

DRAINAGE:

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

- 39. A setback line along the waterway shall be measured from the toe of the stream-bank outward a distance of 2 ½ times the height of the stream-bank plus 30 feet or 50 feet outward from the top of the stream-bank, whichever distance is greater. Leach fields are related to the 10-year storm and may require further setback.
- 40. Drainage improvements shall be designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria for approval by the Drainage Review Section of the Permit and Resource Management Department, and shall be shown on the improvement drawings. The engineer shall include a grading plan as part of the required improvement drawings. The grading plan shall include all pertinent details, as well as the limits of the 100-year flood boundary. An erosion control plan is also required, and shall include all pertinent details, notes, and specifications to minimize project's impact to the environment.

Mitigation Monitoring: PRMD shall not issue any grading permits until the drainage improvements designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria, and shown on the improvement drawings, have been approved by the drainage review specialist.

- 41. The design engineer shall include a site grading plan, and an erosion control plan as part of the required improvement drawings.
- 42. Grading, and/or building permits require drainage review and approval prior to issuance.

43. A separate grading permit is required for wastewater and/or irrigation ponds. The plans must include all elements pertaining to engineered grading, drainage and erosion control. Excess excavated material must be transferred to an approved location. If distributed on-site, the limits of and location of the grading must be shown on the project's grading plans.

NPDES:

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

44. The applicant shall submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as an integral part of the grading plan. The Erosion and Sediment Control Plan shall be subject to review and approval of the Permit and Resource Management Department prior to the issuance of a grading permit. The Plan shall include temporary erosion control measures to be used during construction of cut and fill slopes, excavation for foundations, and other grading operations at the site to prevent discharge of sediment and contaminants into the drainage system. The Erosion and Sediment Control Plan shall include the following measures as applicable.
- Throughout the construction process, groundwater disturbance shall be minimized and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.
 - All drainage ways, wetland areas and creek channels shall be protected from silt and sediment in storm runoff through the use of silt fences, diversion berms, and check dams. Fill slopes shall be compacted to stabilize. All exposed surface areas shall be mulched and reseeded and all cut and fill slopes shall be protected with hay mulch and/or erosion control blankets as appropriate.
 - Material and equipment for implementation of erosion control measures shall be on-site by October 1st. All grading activity shall be completed by October 15th, prior to the onset of the rainy season, with all disturbed areas stabilized and revegetated by October 31st. Upon approval of PRMD, extensions for short-term grading may be allowed. In conjunction with any specially permitted rainy season grading, PRMD may require special erosion control measures.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about erosion control requirement.

45. During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code.

Mitigation Monitoring: The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

46. A concrete washout area such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains.

Mitigation Monitoring: The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

47. Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill.

Mitigation Monitoring: The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

48. Portable toilets utilized during the construction process shall be located and maintained to prevent the discharge of pollutants to the environment.

Mitigation Monitoring: The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

49. The project is subject to the National Pollution Discharge Elimination System (NPDES) requirements and coverage under the General Construction Stormwater Permit, as set by the State Water Resources Control Board. A copy of the Notice Of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency; must be submitted to the Drainage Review Section of the Permit and Resource Management Department.

Mitigation Monitoring: PRMD shall not issue any grading and/or building permits, until the applicant has submitted a copy of the filed NOI and WDID forms to the Drainage Review Section of PRMD.

50. Drainage improvements shall be designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria for approval by the Drainage Review Section of the Permit and Resource Management Department, and shall be shown on the improvement drawings. The engineer shall include a grading plan as part of the required improvement drawings. The grading plan shall include all pertinent details. An erosion control plan is also required, and shall include all pertinent details, notes, and specifications to minimize project's impact to the environment.

Mitigation Monitoring: PRMD shall not issue any grading permits until the drainage improvements designed by a civil engineer in accordance with the Water Agency Flood Control Design Criteria, and shown on the improvement drawings, have been approved by the drainage review specialist.

PLANNING:

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

51. This Use Permit and Design Review Permit approval allows for the construction and operation of the following in accordance with the proposal statement as modified by these conditions:

PHASE 1

- New 52,000 square foot winery building to include crush, fermentation, barrel room, bottling, offices, labs and case goods storage;
- 250,000 cases per year maximum production;
- Parking for 24 vehicles in designated spaces;
- Wastewater treatment ponds, septic system and paved driveway access improvements

PHASE 2

- Remodel of existing 4,242 square foot barn for tasting/hospitality uses;
- Remodel of existing 1,261 square foot dwelling for tasting/hospitality uses;
- New access road and parking for 11 additional vehicles adjacent to the tasting facilities;

The winery shall utilize grapes grown on-site and in the local area and will market only wines produced on-site. No storage of off-site produced wines is permitted. The use shall be operated in accordance with the proposal statement and site plan located in File# PLP02-0085 unless otherwise modified by these conditions.

52. Public wine tasting shall be restricted to the hours of 10:00 a.m. to 4:00 p.m., 7 days a week to avoid the PM peak hours on Stage Gulch Road (Highway 116).

Mitigation Monitoring: Any reported violation of the time restrictions for the tasting room shall open up the use permit for review by PRMD and possible revocation hearings on the winery.

53. No special events are permitted in conjunction with this Use Permit.
54. The applicant shall pay all applicable development fees prior to issuance of building permits.
55. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to the Permit and Resource Management Department from the County Fire Marshal/Local Fire Protection District.
56. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$1,800 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$1,850 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
57. At the time of submitting a building permit application, the applicant shall submit to the Permit and Resource Management Department a condition compliance review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
58. 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.
59. The applicant shall include these Conditions of Approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications.
60. All building and/or grading permits shall have the following note printed on plan sheets:

NOTE ON PLANS: "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 should be halted in the vicinity of the find and County PRMD staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find. 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 proper mitigation measures required for the discovery. No work shall commence until a mitigation plan is approved and completed subject to the review and approval of the archaeologist and Project Review staff.

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

Mitigation Monitoring: 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. The project shall comply with all provisions of the County Low Water Use Landscaping Ordinance.
62. The applicant shall maintain a minimum of 35 parking spaces on-site to serve the winery and tasting/hospitality uses. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
63. All new construction or existing building renovation and associated grading shall require review and approval of the Design Review Committee. Buildings and access roads shall be placed below ridgelines and shall utilize existing topography and vegetation for screening. In addition, the maximum building height for all new construction within 200 feet of Stage Gulch Road shall be 24 feet as measured from the natural grade. Renovation of the existing barn shall require design review, but is not considered new construction subject to the 24 foot height limit. All grading permits shall be reviewed for visual impacts from Highway 116.

Mitigation Monitoring: No building permits shall be issued on any structures prior to review and approval by the Design Review Committee.

64. Signage along Stage Gulch Road (Highway 116) for the winery shall be limited to one non-illuminated monument not to exceed six feet in height and 32 square feet in area. The sign is subject to design review approval by PRMD-Project Review prior to installation.
65. Prior to issuance of the Building Permit, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded, and directed downward to prevent "wash out" onto adjacent properties or into the night sky. Generally fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue grading or building permits until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and require the property be brought into compliance or initiate procedures to revoke the permit. (Ongoing)

66. Parking lot fixtures shall not exceed 12 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures.

67. All exterior fixtures shall be limited to lamps (light bulbs) not exceeding 100 watts, and shall be controlled by motion activated sensors so that lighting does not remain on continuously during dark hours.
68. To ensure that odors caused by grape crush residue are minimized, all residues must be removed from the site or spread in vineyards within two weeks of processing.

Mitigation Monitoring: If PRMD receives complaints regarding objectionable odors, staff will investigate the complaint. If its determined by PRMD staff that complaints are warranted, the permit holder shall implement additional odor control measures as determined by PRMD.
(Ongoing)

69. 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.

70. 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. (Ongoing during construction)

- 71.) No new grading or construction shall be permitted within 50 feet of the top of the bank of Champlin Creek to ensure that any potential California red-legged frog habitat within the creek remain undisturbed. The existing barn may be rehabilitated, but any new structure or expansion of the barn shall be placed a minimum of 50 feet from the top of the bank of Champlin Creek.

Mitigation Monitoring: PRMD shall verify that construction plans for the Phase II tasting and hospitality buildings do not include encroachment into the 50 foot setback for new grading or construction prior to issuance of Grading or Building permits.

- 72.) All drainage from the roads, parking areas and buildings shall be directed into vegetative swales, ponds, etc. and allowed to infiltrate into native soils prior to draining into Champlin Creek.

Mitigation Monitoring: PRMD shall verify that grading and construction plans show drainage swales and other infiltration devices prior to issuance of Grading or Building permits.

- 73.) The riparian corridor along Champlin Creek shall be replanted with native vegetation and all debris, equipment and storage uses shall be removed from within 50 feet of the top of the bank.

Mitigation Monitoring: PRMD shall verify that all equipment, materials, storage, etc. has been removed from the riparian corridor prior to issuance of Grading or Building permits. The landscape plans for the Phase II tasting room/hospitality areas shall include the replanting of native vegetation along the creek. This plan shall be submitted prior to issuance of Phase II building permits.

- 74.) All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code) and the Uniform Building Code (UBC). All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). Construction plans shall be subject to review and approval of PRMD prior to the issuance of a building permit. All work shall be subject to inspection by PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirements.

- 75.) The left turn lane on Stage Gulch Road at the intersection of County Dump Road is considered a part of the project and shall be installed prior to issuance of a certificate of occupancy for any wine production buildings/operations at the winery.

remove olive trees and
remove all extension lighting on the side of
old barn

Mitigation Monitoring: No occupancy of any structures shall be granted until the left turn lane has been installed and is operational to Caltrans satisfaction.

76. Public wine tasting shall not be permitted nor shall building permits be issued for the construction or renovation of wine tasting/hospitality buildings prior to the installation of the left turn lane on Stage Gulch Road.

Mitigation Monitoring: Construction and installation of the left turn lane on Stage Gulch Road shall be completed and operational prior to issuance of any building permits for wine tasting/hospitality uses or for any public wine tasting on the site.

77. Prior to the completion of the left turn lane on Stage Gulch Road, all winery related construction traffic shall be limited to right-turn-in and right-turn-out movements and a "flagger" shall be used to enforce the right-turn-only rule for all winery construction traffic. Signage shall also be placed at the intersection of the project driveway and County Dump Road and at the corner of County Dump Road and Stage Gulch Road indicating that all winery traffic be restricted to right turns only.

Mitigation Monitoring: : Prior to issuance of grading or building permits for construction of the winery and associated improvements, the right turn only signs shall be installed subject to the review and approval of PRMD. During site inspections, PRMD staff shall verify a flagger is on-site. Said signage shall be removed once the left turn lane on Stage Gulch Road is completed and operational.

78. If it is determined by Caltrans that acceleration/deceleration lanes at the intersection of Stage Gulch Road and County Dump Road are necessary, then the Developer shall dedicate additional right-of-way as necessary and contribute a "fair share" towards the improvements prior to final occupancy.

79. Any changes in the design of the project that result in impacts to wetlands on the site shall require that the applicant do the following:

a) Retain a qualified professional to conduct a formal wetland delineation in accordance with 1987 Corps of Engineers Wetlands Delineation Manual and have it verified by the U.S. Army Corps of Engineers (Corps). If the Corps, Regional Water Board and/or CDFG determine that the potentially affected water-associated features are jurisdictional, then the project proponent shall obtain appropriate wetland permits and implement all conditions contained in the Section 404 Clean Water Act permit (possibly a Nationwide permit) from the Corps, Section 1600 Streambed Alteration Agreement from CDFG, and/or Section 401 water quality certification from the Regional Water Quality Control Board.

b) Compensate for the loss of jurisdictional wetlands at a minimum 2:1 ratio within the project site boundary, or at a minimum 3:1 ratio off-site within the local watershed, by creating, restoring or enhancing waters of the U.S., or contributing in-lieu funds to an existing or new restoration project preserved in perpetuity. The restoration effort shall require implementation of a five-year monitoring program with applicable performance standards.

80. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.

81. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property

rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

82. This permit shall be subject to revocation or modification by the Planning Commission if: (a) the Commission finds that there has been noncompliance with any of the conditions or (b) the Commission finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within five (5) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the five year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.