

Resolution Number 23-07

County of Sonoma  
Santa Rosa, California

September 28, 2023  
PLP20-0007 Jen Chard

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,  
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A  
MITIGATED NEGATIVE DECLARATION AND GRANTING A LOT  
LINE ADJUSTMENT AND USE PERMIT TO CONSTRUCT AND  
OPERATE A NEW WINERY AND TWO NEW TASTING ROOMS  
FOR PROPERTY LOCATED AT 3400 SLUSSER ROAD,  
WINDSOR, CA; APN 057-070-047, 057-070-049 and 057-070-  
050.

WHEREAS, the applicant, Tony Korman and Jackson Family Investments III LLC, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for A Lot Line Adjustment between a 24.28+/- acre parcel (APN 057-070-049) and a 108.82+/- acre parcel (APNs 057-070-047/-050) resulting in a 24.08+/- acre parcel and a 109.01+/- acre parcel; a Use Permit and Design Review for a new 4,530-square foot tasting room (Nunes Farm) with up to 20 events per year (16 promotional, 4 industry) with a maximum of 200 attendees on the resulting 24.08 +/- acre parcel; and a Use Permit and Design Review for a new winery (Saralee's Vineyard) including a tasting room, a winery building used for production, storage, and administration with an annual production of 95,000 cases and up to 20 events (16 promotional, 4 industry) per year with a maximum of 200 attendees, and marketing accommodations within an existing building on the resulting 109.01+/- acre parcel located at 3400 Slusser road, Windsor, CA ; APN 057-070-047, 057-070-049 and 057-070-050; Zoned LIA (Land Intensive Agriculture), B7 (Frozen Lot) with combining districts for Z (Accessory Unit Exclusion), BH (Biotic Habitat), F2 (Floodplain), RC50/25, RC100/50 (Riparian Corridor with 50 ft and 100 ft setbacks) SR (Scenic Corridor and Scenic Landscape Unit) and VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared for the Project, and on August 14, 2023, the MND was posted and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA"), 14 California Code of Regulations, §15000 et seq. ("CEQA Guidelines"), and County CEQA guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Board of Zoning Adjustments held a public hearing on September 28, 2023, at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Board of Zoning Adjustments has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. Environmental Determination: The Board of Zoning Adjustments has reviewed and considered the Mitigated Negative Declaration prepared to address potential environmental impacts of the project, together with all comments received during the public review process. Based upon the full record of proceedings (including the Initial Study and all comments received), it has been determined that there is no substantial evidence that the project will have a significant environmental effect. Changes or alterations have been required in or incorporated into the project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the project. These changes or alterations have been agreed to by the applicant. The Mitigated Negative Declaration has been completed in compliance with State and County CEQA guidelines and reflects the independent judgment and analysis of the County of Sonoma.
2. General Plan Consistency: The proposed project is consistent with the General Plan land use designation of Land Intensive Agriculture, and the goals, objectives, policies and programs of the General Plan.
  - a. The Agricultural Resource Element policies allows for wineries, defining them as agricultural processing facilities, tasting rooms and events, defining them as visitor serving uses.
  - b. The project is consistent with Policy AR-3a as the resultant parcels of the Lot Line Adjustment exceed the 20-acre lot minimum for Land Intensive Agriculture.
  - c. The project is consistent with Policy AR-4a, as the project sites are devoted to agricultural production and related processing, support services, and visitor serving uses.
  - d. The project is consistent with Policies AR-1a, AR-6a, AR-6d and AR-6f as the project's visitor serving uses only promote or sell products grown and produced on site or in the local area, the uses are secondary or incidental to local agriculture production, the uses will not require and extension of sewer or water and are compatible with the surrounding uses in the area.
  - e. The project is consistent with Policies AR-6f and AR-5g as the project would not constitute a detrimental concentration of visitor serving and recreational uses, and agricultural support uses. The project would not result in joint road access conflicts and traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis will be mitigated as part of the proposed CEQA analysis. Additionally, the new tasting rooms would not draw water from the same aquifer and be located within the zone of influence area wells and proposed construction, traffic and noise would not be detrimental to the rural character of the area.
3. Zoning Consistency: The proposed project is consistent with Sonoma County Zoning Code, in that the proposed lot line adjustment, winery and tasting rooms are allowed in the LIA (Land Intensive Agriculture) Zoning District with a permit.
  - a. The proposed Lot Line Adjustment is consistent with the standards of Zoning Code Sections 25-70 and 26-88-190.
  - b. The project is consistent with all the development standards for the Land Intensive Agriculture Zoning District, as well as the 200-foot Scenic Corridor setback from River Road and all requirements for Scenic Landscape Units per Zoning Code Section 26-64-020.
  - c. The use permit requests are consistent with the standards of Zoning Code Sections 26-18-030 and 26-18-210 for agricultural processing and tasting rooms in the LIA Zoning District.

- d. The use permit requests area consistent with the Winery Definitions and Standards of the Zoning Code Section 26-18-260.
  - e. The use permit request for a Marketing Accommodation is consistent with the Zoning Code provisions performance standards listed under Zoning Code Section 26-88-086.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: the project has been found to have insignificant environmental impacts in the Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation and Tribal Cultural Resources topic areas based on the project design with the adoption of mitigation measures, conditions of approval and project operational characteristics; the proposed use is consistent with General Plan policies and the underlying Land Intensive Agriculture zoning designation, which allows the proposed uses subject to approval of a Use Permit; and conditions of approval have been imposed on the project to limit visual impacts, control noise in accordance with the General Plan standards, and ensure compliance with all County and resource agency standards that will prevent impacts to biological resources.

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 certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Lot Line Adjustment, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Saralee's Vineyard Winery, Tasting Room, Events, and Marketing Accommodations Use Permit, subject to the Conditions of Approval in Exhibit "B", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Nunes Farm Tasting Room and Events Use Permit, subject to the Conditions of Approval in Exhibit "C", 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 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

Commissioner Cornwall	Aye
Commissioner Gilardi	Aye
Commissioner Wiig	Absent
Commissioner Koenigshofer	Aye
Commissioner McCaffery	Aye

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

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

SO ORDERED.

**SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS**

**Conditions of Approval  
Exhibit A  
Lot Line Adjustment**

<b>Staff:</b>	Jen Chard	<b>Date:</b>	September 28, 2023
<b>Applicant:</b>	Tony Korman	<b>File No.:</b>	PLP20-0007
<b>Owner:</b>	Jackson Family Investments III, LLC	<b>APN:</b>	057-070-047, -049 and -050
<b>Address:</b>	3400 Slusser Road, Windsor		

**Project Description:** A Lot Line Adjustment between a 24.28+/- acre parcel (APN 057-070-049) and a 108.82+/- acre parcel (APNs 057-070-047, -050) resulting in a 24.08+/- acre parcel and a 109.01+/- acre parcel.

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1. These conditions must be met and the application validated within 24 months unless a request for an extension of time is received before the expiration date.
2. 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 \$2,764.00 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,814.00 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

**GRADING AND STORM WATER:**

3. NOTE ON MAP: "Grading and land disturbance shall be setback from streams a minimum of 100 feet from the top of stream bank."
4. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, riparian corridor setbacks or biotic resources setbacks, shall be shown and noted on the subdivision map.
5. Grading and land disturbance shall be setback from streams a minimum of 100 feet from the top of stream bank.

**PLANNING:**

6. Submit verification to Planning that taxes and/or assessments, which are a lien and termed as payable, are paid to the Treasurer-Tax Collector's Department on all parcels affected by the adjustment. The Treasurer-Tax Collector knows the amount of the tax due.
7. A draft description, prepared by a licensed land surveyor or civil engineer authorized to practice land surveying, showing the combination of lots or transfer of property shall be submitted to the County Surveyor for approval. The following note shall be placed on the deed or deeds. "The purpose of this deed is for a Lot Line Adjustment for the combination of a portion of the Lands of Jackson Family Investments III, LLC as described by deed recorded under Document No. 2012-123635, Sonoma County Records, APN 057-070-049 with the Lands of Jackson Family Investments III, LLC as described by deed recorded under Document No. 2012-123634, Sonoma County Records, APN 057-070-047 and 057-070-050. This deed is pursuant to PLP20-0007 on file in the office of the Sonoma County Permit and Resource Management Department. It is the

express intent of the signatory hereto that the recordation of this deed extinguishes any underlying parcels or portions of parcels.” It is the responsibility of the surveyor/engineer preparing the deeds to insure that the information contained within the combination note is correct. Note: The County Surveyor may modify the above described note.

8. Deed of Trust agreements, which encumber only portions of accepted legal lots, are violations of the Subdivision Map Act; therefore, prior to Permit and Resource Management Department approval of the deed for recordation, the applicant shall submit either recorded documents or documents to be recorded concurrently with the lot line adjustment deeds, showing that any Deed of Trust agreements on the subject properties will conform with the adjusted lot boundaries.
9. Submit draft description(s) of the Lot Line Adjustment of the piece(s) of the parcel(s) to be transferred and description(s) of all remaining parcels that are subject to change, to the County Surveyor’s Office for approval; Descriptions are to be labeled Exhibit “A”, or the equivalent.
10. Submit an Exhibit “B”, or the equivalent, a plat map of the Lot Line Adjustment. Plat map shall be prepared by a licensed land surveyor and attached to the deed(s) to be recorded. The plat map shall be submitted to the County Surveyor for review along with the draft description(s), and requisite closure calculations. The following note shall be placed on the plat map: “THIS EXHIBIT MAP IS FOR GRAPHICAL PURPOSES ONLY. Any errors or omissions on this Exhibit shall not affect the Deed(s) descriptions”.
11. The property owners shall execute a Right-to-Farm Declaration on a form provided by PRMD to be submitted before the lot line adjustment is cleared by PRMD for recordation. The Right-to-Farm Declaration shall be recorded concurrently with the PRMD approved lot line adjustment grant deed(s) to reflect the newly configured parcels.
12. All grading and building permits plans involving ground disturbing activities shall include the following notes:

“If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”

13. NOTE ON MAP: "Agricultural activities occur in the area and noise, dust, odor, smoke and pesticide use may occur and are consistent with the Sonoma County General Plan Land Use designation for the area."
14. 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.

**SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS**

**Conditions of Approval**

**Exhibit B**

**Saralee’s Vineyard Winery, Tasting Room, & Marketing Accommodation**

<b>Staff:</b>	Jen Chard	<b>Date:</b>	September 28, 2023
<b>Applicant:</b>	Tony Korman	<b>File No.:</b>	PLP20-0007
<b>Owner:</b>	Jackson Family Investments III, LLC	<b>APN:</b>	057-070-047, -049 and -050
<b>Address:</b>	3400 Slusser Road, Windsor		

**Project Description:**

A Use Permit and Design Review for a new winery with a tasting room, events, and marketing accommodation on Lot Line Adjustment resulting Lot B (109.01 acres in size, known as Saralee's Vineyard), which includes a new 55,000 square foot production building with 47,000 square feet devoted to wine production, fermentation and storage for annual wine production of 95,000 cases per year. The building will also include 6,000 square feet of supporting administration uses and a 2,000 square foot crush pad area. The new 5,616 square foot tasting room will include a 1,000 square foot overlook room, a 1,000 square foot reserve tasting room, commercial kitchen, wine cellar, restrooms, administration offices and an 1,800 square foot hospitality patio. The site will also retain and remodel an existing 2,200 square foot with a 300 square foot deck single family dwelling to be used for vineyard operation staff and marketing accommodations for industry guests. A new parking lot is proposed around the new productions facility and tasting room building and will contain 58 parking spaces (including 4 accessible spaces). 28 of these spaces would have electric vehicle charging capacities (including 9 spaces with electric charging stations). The tasting room is proposed to accommodate 34 employees, 14 seasonal employees and 100 guests a day.

Hours of Operation:

- Winery operation hours - 8:00 am to 5:00 pm, Monday-Friday
- Winery Harvest hours - 7:00 am to 9:00 pm, Monday-Saturday
- Tasting room hours - 10:00 am to 5:00 pm, 7 days a week
- Event hours - 10:00 am to 10:00 pm
- Tours of the vineyards for the general public are to be held during normal tasting room hours only.

Winery Events and Activities:

<b>Agricultural Promotional Events</b>	<b>Number of Events</b>	<b>Maximum Attendees</b>	<b>Time of Week</b>	<b>Time of Day</b>	<b>Food Service</b>	<b>Amplified Music</b>
Winemaker Dinner	3	30	Weekend	Evening	Onsite	No
Communication Fundraisers	4	100	Weekend	Evening	Catered	Yes
Pick Up Parties	2	100	Weekend	Daytime	Catered	Yes
Industry Events	4	200	Weekend	Daytime	Catered	Yes



Wine Trade Activities	Number of Activities	Maximum Attendees	Time of Week	Time of Day	Food Service	Amplified Music
Vendor Meetings	4	50	Weekday	Daytime	Onsite	No
Sales Events	3	30	Weekday	Daytime	Onsite	No

Food Service:

- Food and Wine Pairings (no meals) may be provided during permitted tasting hours as part of normal business activities. Food and wine pairing will be pre-prepared samples or tastes produced from food products from the local area. Food will be from a pre-fixed pairing menu and only during tasting room hours. There is no restaurant or deli service provided.
- Food on site will be prepared in the food preparation area within the tasting room building. Food can be provided for occasional employee lunches and employee harvest party. Appetizers or meals featuring local foods and food products may be prepared for occasional marketing or promotional activities that are not open to drop-in guests. Food must be consumed on site.

Employees:

- Tasting room, Winery, and Events: Not to exceed 34 full-time employees
- Tasting room and Winery during harvest: 48 full-time employees

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

**FEES:**

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,764.00 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,814.00 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.
2. Permit Processing and Development Fees. This “At Cost” entitlement is not vested until all permit processing costs and development fees are paid in full. No grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
3. Condition Compliance Fee. At the time of submitting a building permit application, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$3,332.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant/operator 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.
4. Permit Sonoma Annual Well Monitoring Fee. Prior to building permit final or issuance

of a Use Permit Certificate to operate the use, the applicant/operator shall submit to Permit Sonoma an Annual Well Monitoring fee of \$244.00 (or other amount consistent with the adopted fee schedule in effect at the time). The applicant/operator shall be responsible for payment of additional annual well monitoring fees for each year over the effective term of the permit. The annual well monitoring fee shall be paid by January 31 of each year the permitted operation is active.

5. Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.

**GENERAL:**

1. This project shall be constructed and maintained in conformance with the project description and project plans located in File No. PLP20-0007, and as modified by these Conditions of Approval.
2. 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 or modification.
3. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
4. 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.
5. In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.
6. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma 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 Permit Sonoma 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.

**PERMIT SONOMA BUILDING:**

7. The applicant shall apply for and obtain building related permits from Permit Sonoma for each proposed structure. Construction inspections shall occur and the building permit finalized (or approved for occupancy) prior to occupancy of any structure.
8. The proposed uses and occupancies of all building areas and any occupied outdoor areas shall be accurately identified on the proposed plans. Building areas and outdoor areas shall identify all proposed uses and occupant loads associated with all proposed uses. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied. Floor plans, furniture layouts, and associated applicable code justification analyses shall be provided for typical daily uses and for the proposed special event uses identified.
9. The means of egress from all proposed occupied areas within the facility (interior and exterior) shall comply with the applicable sections of the California Building Code (CBC). The means of egress and all applicable code provisions shall be adequately justified for all proposed uses and special events proposed.
10. A geotechnical investigation, in accordance with CBC Chapter 18, shall be submitted if any new foundation elements are proposed, providing site specific foundation design criteria and other geotechnical recommendations for development.
11. Adequate CALGreen documentation shall be provided justifying adherence to the California Green Building Code. This documentation is required to be reviewed and approved by a CALGreen consultant who has been previously approved by permit Sonoma.
12. All structures adjacent to proposed adjusted property lines shall be identified and justified to meet minimum fire resistance rating requirements set forth in the California Building Code (CBC) Table 602. If any existing structures require alteration to achieve code compliance, these alterations shall be submitted and reviewed under an associated Building Permit application.
13. Minimum plumbing facilities for customers and employees, per the California Plumbing Code (CPC), shall be provided for all occupied areas, including during proposed special events.
14. The California Business & Professions Code requires plans and calculations affecting egress components, life safety, and structural elements to be prepared by California licensed design professionals (architects, engineers).

15. A registered design professional in responsible charge shall be identified on each building permit application and be responsible for reviewing and coordinating all submittal documents prepared by others, as required by CBC Section 107.3.4.
16. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the CBC, as determined by the Permit Sonoma Building Division.
17. If, after Building Division approval, any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.

**PERMIT SONOMA WELL & SEPTIC:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

Water:

18. Prior to building permit issuance and project operation, provide the Permit Sonoma Well & Septic Section with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the drinking water well tested by a State-certified lab.

**Please submit:** A copy of the State Certified Lab report to the Permit Sonoma Well & Septic Section for review. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:

A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a

- a. Condition of this Use Permit in order to meet State and Federal MCL’s and provide potable water to all plumbing fixtures.
  - b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.
19. Prior to the issuance of building permits the applicant apply for a water supply permit from the State Division of Drinking Water because more than 25 persons per day for 60 days within a year may be served by the water system. A copy of the Use Permit application and conditions must be provided to the State in Division of Drinking Water order to obtain appropriate raw water source sampling requirements.(This process should begin as soon as possible, as the application,

plan check and sampling will take some time.)

**Please submit:** A copy of the clearance letter to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD, Project Review-Health..

20. 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.

**Please submit:** Documentation (a well completion log) of a 50 foot annular seal on the water well serving the project.

Septic:

21. Prior to building permit issuance, the applicant shall obtain permits for a process waste water disposal system and a separate domestic sewage disposal system. The systems 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 and process waste disposal systems 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 these disposal systems, and shall include the 200% required reserve areas.

This project is approved for agricultural promotional events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100 % percent of the wastewater flow from an event with 100 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system, including the employees listed in the traffic study.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements.

**Please submit:** Final clearance from the Well and Septic Section that all required septic system testing and design elements have been met to the Project Review Health Specialist.

22. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance).

**Please submit:** A copy of the Waste Discharge Permit to Permit Sonoma Well & Septic Section prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.

23. Prior to demolition permit issuance the applicant shall abandon existing septic tank(s) under permit and inspection from the PRMD Well and Septic Section. The Project Review Health Specialist shall receive a copy of the “finaled” Abandonment Permit.

**Please submit:** Final clearance from the Well and Septic Section that the septic tank abandonment requirements have been met to the Project Review Health Specialist.

24. Toilet facilities shall be provided for patrons and employees prior to occupancy and operation of the project.

**Please submit:** A copy of the Floor Plan showing the location of the restrooms, prior to issuance of building permits, to the Project Review Health Specialist.

Consumer Protection:

25. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

If the project will operate under a Wine Tasting Room Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
- b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
- c. Note that this Use Permit requires that if any of the following items are new or replacement installations they shall be built to CalCode standards: all flooring, counter tops, restrooms and sinks in the food or beverage service area. The goal is to minimize the need to replace new materials when a small change in the menu triggers the need for a Food Facility permit.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions.

**Please Submit:** An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Environmental Health Plan Check Approval to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Noise:

26. Prior to the issuance of building permits, noise mitigations shall be photocopied from the Noise Study and attached to the building plans submitted for plan check.

Solid Waste:

27. **Prior to building permit issuance**, areas within refuse enclosures for *food facilities*, food retailers, inns and hotels, and multiple housing units with seven (7) or more bedrooms, shall

- Drain to the sanitary sewer system or other appropriately permitted disposal facility.
- Container areas shall not be less than ten feet (10') wide, seven and one-half feet deep and six feet (6') high.
- Gates, if installed on the container area, shall be double doors, opening at the center and level with the access road,
- The outside perimeter of the trash enclosure shall be graded to prevent storm water from draining into the sanitary sewer system.
- The trash enclosure shall be covered with a roof or awning. Overhead clearance and overhangs, wiring or other obstructions on the approach to the container area must be at least fourteen feet (14") high and at least nineteen feet (19') high at the location where the bins are tipped. The containers for refuse and recyclables shall be of sufficient size and adequate number to contain without overflowing all of the refuse and recyclables that are generated on the premises during the designated removal period per the Solid Waste Management Plan.

**Please Submit:** A copy of a design and drainage for trash enclosures and recycling areas to the Project Review Health Specialist for review and approval.

28. 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 tilled 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.

**Please Submit:** A copy of the pomace disposal plan to the Project Review Health Specialist.

Vector Control:

29. 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 bringing the public onto a property with ponds.

**Please Submit:** A copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District to the Project Review Health Specialist.

PRIOR TO OCCUPANCY:

Water:

30. Prior to occupancy and project operation, 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 2016 California Plumbing Code and subsequent editions adopted by Sonoma County.

**Please submit:** A copy of the Cross Connection Control Specialist's initial report to the Permit Sonoma Well & Septic Section for review.

Note: If the applicant has been required to do a cross-connection control survey by the California State Water Resources Control Board, Division of Drinking Water, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

31. 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 PRMD.

**Please submit:** A letter from the Cross Connection Control Specialist to the Permit Sonoma Well & Septic Section stating that backflow prevention has been installed as recommended.

Septic:

32. Prior to building occupancy, all wastewater plumbing shall be connected to a sewage disposal system that has been constructed under permit for the proposed use by the PRMD Well and Septic Section.

**Please submit:** A final clearance from the Permit Sonoma Well & Septic Section, that all required septic system testing, design elements, construction inspections and any required operating permits have been met.



Consumer Protection:

33. 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.

**Please submit:** A letter of approval from the Environmental Health Division to the Project Review Health Specialist verifying compliance with requirements of the California Retail Food Code (CalCode).

Noise:

34. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
<sup>1</sup> 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.		

*Adjusted* TABLE NE-2: Maximum Allowable Exterior Noise Exposures for Outdoor Tasting Room Use Areas and Events

Hourly Noise Metric <sup>1</sup> , dBA	Daytime <sup>2</sup> (7 a.m. to 10 p.m.)	Nighttime Not allowed during nighttime hours (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	45	
L25 (15 minutes in any hour)	50	
L08 (4 minutes 48 seconds in any hour)	55	
L02 (72 seconds in any hour)	60	
<sup>1</sup> 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. <sup>2</sup> Adjusted down 5 dBA for speech and music.		

35. Events shall be limited to the hours of the Daytime Noise Standards found in the Noise Element of the Sonoma County General Plan), currently 7:00 a.m. to 10:00 p.m. All agricultural promotional and private events must end by 9:00 p.m. with clean up to finish by 10:00 p.m. All industry-wide events must end by 5:00 p.m.
36. Amplified sound and the very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors, however are permitted indoors with all the windows and doors closed. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc.) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.
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.
38. Agricultural promotional events that include outdoor music shall be background music not exceeding the level of ordinary conversations.
39. PRMD Project Review Division staff shall ensure that the project complies with project conditions of approval and measures identified in the project noise analysis prepared by Ascent Environmental.

Solid Waste:

40. Prior to building occupancy and project operation, areas within refuse enclosures for food facilities, food retailers, inns and hotels shall drain to the sanitary sewer system or other appropriately permitted disposal facility. The outside perimeter of the trash enclosure shall be graded to prevent storm water from draining into the sanitary sewer system. The trash enclosure shall be covered with a roof or awning.

**Please submit:** A copy of an approval letter from Sonoma County Environmental Health to the Permit Sonoma, Project Review-Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

41. 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.
42. A safe, potable water supply shall be provided and maintained.

Septic:

43. 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.
44. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
45. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
46. When permitted agricultural promotional events exceed 100 persons, the permit holder shall provide portable toilets meeting the following minimum requirements:
  - a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.
  - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment system or public sewer.
  - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
  - d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
  - e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
  - f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the agricultural promotional event and at future agricultural promotional events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
    - i) The holding tank does not leak or overflow.
    - ii) Toilet paper is promptly replaced when the dispenser runs out.
    - iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.

- iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.
- v) Reliance upon portable toilets shall not create a public nuisance.

Consumer Protection:

47. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting and agricultural promotional event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages. Contact the Environmental Health & Safety Section at 565-6547 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health & Safety Section at 565-6548 for further information regarding caterers. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

48. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food.
49. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food for off-site shipment.

Solid Waste:

50. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

51. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.

52. A “Designated Smoking Area” may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

**PERMIT SONOMA GRADING AND STORM WATER:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

53. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
54. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) . The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the *Drainage Report Required Contents* (DRN-006) handout.
55. The proposed project is subject to storm water Low Impact Development (LID) regulations. Post-construction storm water LID best management practices (BMP’s) to mitigate impacts to the quality and quantity of storm water discharges from the project site shall be incorporated into the drainage design of the project. A final Storm Water Low Impact Development Submittal (SW LIDS), based upon the approved initial SW LIDS dated **04/26/2022**, shall be submitted with the grading and/or building permit application and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) prior to the issuance of any grading or building permits. LID BMP’s must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
56. Landowner shall submit to Permit and Resource Management Department (Permit Sonoma) annually the results of the Storm Water BMP inspection. Inspection shall include but is not limited to the Inspection and Maintenance Checklists, photo evidence of BMP existing conditions, and a report of any maintenance activity, remediation, or replacement of BMP features.
57. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant

discharges in compliance with Permit and Resource Management Department's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.

58. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the *Grading Permit Required Application Contents* (GRD-004) handout.
59. Portions of the proposed project are located within a Special Flood Hazard Area (SFHA) and is affected by flooding from Mark West Creek and tributaries thereto. No fill shall be placed within a SFHA, unless an engineering analysis demonstrates that no reduction in the flood storage capacity within the SFHA will result from the fill placement and related improvements. Any land subject to inundation by a SFHA shall be delineated and shown on the grading plans as "SUBJECT TO INUNDATION" in one-inch lettering. The base flood elevation (BFE) varies throughout the site, but the lowest floor elevation of any habitable structure must be at least 1 foot higher than the nearest adjacent BFE and any commercial structures, utilities and machinery must be floodproofed to at least 1 foot above the BFE. The grading plans shall show all elevations based upon the North American Vertical Datum of 1988 (NAVD 88).
60. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the *Grading Permit Required Application Contents* (GRD-004) handout.
61. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Crush pads and production areas shall be covered or drain directly to a proper waste disposal system. No diversion valves shall be allowed.
62. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be covered or separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.

63. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
64. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading/site plans.
65. A waterway setback analysis shall be prepared to determine the most stringent composite waterway setback, be submitted with the grading and/or building permit application and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The waterway setback analysis shall include several cross sections of Mark West Creek. At a minimum, building, grading, riparian corridor, and floodway limits setbacks shall be included in the waterway setback analysis. The most stringent composite waterway setback shall be clearly shown and noted on the grading/site plans.
66. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway. The protective construction fence shall be shown and noted on the grading/site plans.
67. Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation and the lowest structural component or soffit of the culvert.
68. Drainage easements are required when conveying storm water runoff through any neighboring properties. Drainage easements shall be clearly shown and noted on the grading/site plans. The applicant shall be responsible for obtaining or creating drainage easements necessary for the proposed project prior to grading or building permit issuance. Any proposed drainage easements shall be private easements unless otherwise approved by the Department of Transportation and Public Works.
69. Construction within Sonoma County Water Agency (SCWA) property, right-of-way, or easement requires a revocable license from SCWA. The following note shall be placed prominently on the grading plans: "The contractor shall obtain a revocable license from the Sonoma County Water Agency (SCWA) prior to the start of any construction activities within SCWA property, right-of-way or easement." A letter of approval from SCWA shall be provided to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit allowing work to occur near or within SCWA property, right-of-way, or easement.
70. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

71. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for work within 25 feet of a waterway.
72. The applicant is responsible to contact the California Department of Fish & Wildlife and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit work within 25 feet of a waterway.
73. The applicant is responsible to contact the U.S. Army Corps of Engineers and obtain any necessary permits or waivers for proposed work in or near a wetland or navigable waters. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for work within 25 feet of a wetland or navigable waters.

**SONOMA COUNTY PUBLIC INFRASTRUCTURE:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

Right of Way Requirements:

74. The Applicant shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
  - a. As necessary to construct a future Class II bikeway on the applicant's side of River Road per design criteria in Chapter 1000 of the Caltrans Highway Design Manual. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
  - b. To contain all traffic signal equipment installed on River Road and Slusser Road.

Required Improvements:

75. The Developer shall install a signal at the intersection of River Road with Slusser Road. The signal shall be designed in accordance with Caltrans guidelines, subject to review and approval by the Sonoma County Department of Public Infrastructure (SPI).

Intersections of Roads and Driveways:

76. The Applicant shall construct a driveway entrance such that it conforms to County standards and meets the following criteria to allow for concurrent emergency ingress and egress as well as the smooth and safe movement of passenger vehicles entering and exiting the public road (Slusser Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer,



licensed in the State of California, will be required to prove the driveway (project's entry to Slusser Road) meets these requirements.

- a. A minimum paved throat width of twenty-four (24) feet.
  - b. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is a minimum of 12 feet distant from, and parallel with, the physical centerline of Slusser Road. A 1:10 pavement taper shall be constructed on both sides of the entrance if required per Sonoma County Public Infrastructure Construction Standard Drawing 815. Entrance curve radii may be reduced with the approval of the Fire Prevention of Permit Sonoma (PRMD).
  - c. The minimum sight distance for vehicles entering and exiting each driveway shall be in accordance with current County requirements for the speed traveled on the public road servicing the project site. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve minimum sight distance at each driveway. Refer to Sonoma County Public Infrastructure Construction Standard Drawing 812, latest revision, for rural County road driveway and private road intersections.
  - d. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
  - e. The entry shall intersect the public road as close to perpendicular as possible, but in no case shall the entry intersect the public road at more than 20 degrees from perpendicular.
  - f. Refer to Sonoma County Public Infrastructure Construction Standard Drawing 815, latest revision, for private road and driveway intersection details.
77. The Applicant shall construct a driveway entrance such that it conforms to County standards and meets the following criteria to allow for concurrent emergency ingress and egress as well as the smooth and safe movement of passenger vehicles entering and exiting the public road (River Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's entry to River Road) meets these requirements.
- a. A minimum paved throat width of twenty-four (24) feet.
  - b. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is a minimum of 12 feet distant from, and parallel with, the physical centerline of River Road. A 1:10 pavement taper shall be constructed on both sides of the entrance if required per Sonoma County Public Infrastructure Construction Standard Drawing 815. Entrance curve radii may be reduced with the approval of the Fire Prevention of Permit Sonoma (PRMD).

- c. The minimum sight distance for vehicles entering and exiting each driveway shall be in accordance with current County requirements for the speed traveled on the public road servicing the project site. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve minimum sight distance at each driveway. Refer to Sonoma County Public Infrastructure Construction Standard Drawing 812, latest revision, for rural County road driveway and private road intersections.
  - d. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
  - e. The entry shall intersect the public road as close to perpendicular as possible, but in no case shall the entry intersect the public road at more than 20 degrees from perpendicular.
  - f. Refer to Sonoma County Public Infrastructure Construction Standard Drawing 815, latest revision, for private road and driveway intersection details.
78. The Applicant shall maintain all existing and proposed vegetation fronting the site as well as within the public right-of-way to preserve the sight distance triangles necessary to achieve the minimum AASHTO required sight distance at any project driveway where it intersects a public roadway.
79. Driveway cross-drains within the County right-of-way shall be upgraded to a minimum 18 inch culvert under the driveway.
80. The Applicant shall construct a stabilized entrance for on-site construction activity to meet the following criteria 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 current County requirements for the speed traveled on the public road(s) providing construction access. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum County required sight distance at each driveway.

Traffic Safety Gate Setback:

81. The Applicant shall locate driveway gates a minimum distance of 30 feet from the edge of the pavement, in accordance with Standard Detail 242.

Traffic Control Devices:

82. The Applicant shall install:

- a. Traffic control devices as required by Sonoma County Public Infrastructure, including items such as traffic signs, roadway striping, pavement markers, etc.
- b. Caltrans Standard A20A Detail 22 centerline striping on Slusser Road to extend the no passing zone within 200' of the project driveway.

Improvement Standards:

83. The Applicant 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 20 feet, and shall be submitted electronically on ANSI D 22.0 x 34.0-inch printable sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.

Fees:

84. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to Permit Sonoma (PRMD), prior to signature of the Improvement Plans by the Director of Sonoma County Public Infrastructure.

85. The Applicant, his or her personal representatives, and project consultants are advised that the issuance of building permits is subject to the payment of a development fee (Traffic Mitigation Fee) as required by Chapter 26, Article 98 of the Sonoma County Code. The fee is computed multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Project ADT is the sum of case production ADT and permitted event ADT. Credit is granted for existing, legal uses.

Processing:

86. Plans for all required improvements shall be submitted to the office of the County Surveyor in Permit Sonoma (PRMD) for review and approval; said office will coordinate review of the plans with SPI. An initial review by SPI 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 SPI prior to the issuance of a building permit or the Applicant shall obtain signed approval from the Director of SPI. The improvement plans shall be signed by the Director of SPI prior to the issuance of an encroachment permit for public road improvements.

87. The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to constructing any improvements within County road right-of-way.

Completion of Required Improvements:

88. Applicant shall complete construction of all the required public improvements prior to use of the property associated with the land entitlement resulting from this application.

89. Pursuant to Section 26-98-670 of the County Code, Sonoma County Public Infrastructure shall offer a reimbursement agreement to the Developer to help fund the cost of construction of the traffic signal described above. The reimbursement will consist of a credit against the Developer's required payment of a Traffic Mitigation Fee and payments received from future developers (through year 2033) whose projects are determined by the County to have a "fair share" impact (as defined in the County's Traffic Study Guidelines) on the need for construction of the signal. Such reimbursement shall be limited in total to the actual cost of the signal over and above the Developer's calculated "fair share".

**PERMIT SONOMA FIRE PREVENTION:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

90. The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the buildings and use of the property without written approval by the fire code official.

- a. A fire inspection shall be conducted by the Sonoma County Fire Prevention Division to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.
- b. The Sonoma County Fire Prevention Division may charge and collect a fee for the inspection in an amount, as determined by the county, sufficient to pay its costs of that inspection.
- c. The Building (s) shall be fire sprinklered and contain a fire alarm system consistence with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.

91. Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code.

92. An annual schedule of special events shall be submitted to Sonoma County Fire for each calendar year, including the maximum number of participants, times and dates.

93. An annual fire safety inspection is required for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.

94. The facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2019 California Fire Code as adopted and amended by Sonoma County Code. Fire safety plans, emergency procedures, and employee training programs shall be approved by the fire code official.

95. To facilitate locating an emergency and to avoid delays in response; all existing and newly constructed or approved roadways and buildings whether public or private shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Safe Standards and the California Fire Code, as adopted and amended by Sonoma County Code.
96. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code as adopted and amended by Sonoma County Code.
  - a. Fire hydrants shall be installed as required by the California Fire Code as adopted and amended by Sonoma County Code.
  - b. Emergency water supply for fire suppression may be provided in a naturally occurring or manmade containment structure for projects not served by a municipal water system, as long as the specified quantity and delivery rate is immediately provided.
97. Local Responsibility Area (LRA). Compliance with the general defensible space clearances per CCR Title 19 Div. 1, Chapter 1, Subchapter 1 §3.07.
98. Prior to occupancy, written approval that the required improvements have been installed shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District.

**SONOMA COUNTY ENVIRONMENTAL HEALTH:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

99. If a retail food facility or wine/beer tasting room is proposed, a Retail Food Facility Permit is required for each facility to store, prepare, package, serve or vend food; however, the California Health and Safety Code exempts wine/beer tasting activities, provided the wine/beer tasting activities include no food is being served or sold, with the exception of crackers and pre-packaged non-potentially hazardous beverages. A review and approval of the building plans for each site will be required prior to issuance of a retail food facility permit to operate; or if an exemption is requested, then documents for a wine/beer tasting room exemption shall be submitted and approved prior to concurrence with the exemption and subsequent operation of the facility. Final construction approval is required prior to issuance of a Retail Food Facility Permit.
100. If this site constructs/operates as a Host Facility to support a catering operation that provides food directly to consumers, the site falls under a retail food facility classification in the California Retail Food Code. A retail food facility permit is required to store, prepare, package, serve or vend food. A review and approval of the building plans and/or site review will be required prior to issuance of a retail food facility permit to operate.
101. If the site participates in, or hosts, a special event that is two or more days, it must be approved as a community event. Community events require additional permits and inspections from this Department for the organizer as well as all food vendors.

102. Public events held in the unincorporated areas of Sonoma County are required to comply with Sonoma County Ordinance #5953 which prohibits smoking in public places. The ordinance does allow for the establishment of a Designated Smoking Area that meets criteria outlined in the ordinance. Criteria can be found at [www.Sonoma-County.org/BreatheEasy](http://www.Sonoma-County.org/BreatheEasy) under Overview and Background – Major Provisions.

103. All owners/operators, managers, supervisors, and employees who sell or serve alcoholic beverages shall complete Responsible Beverage Service (RBS) Training within 90 days from issuance of a new permit and every third year thereafter. All servers/sellers of alcohol hired after the initial 90-day period shall complete the training course within 60 days of employment and every third year thereafter. It is strongly recommended, if alcohol is to be served at special events, that all employees and volunteers complete special event RBS training prior to the event.

The RBS Training shall meet the recommended best practice guidelines of the State of California, Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. Records of successful completion for each owner/operator, manager, supervisor, employee and volunteer shall be maintained on the premises and shall be presented upon request by a representative of the County or local law enforcement agency.

104. As of June 1, 2012 smoking is no longer allowed in outdoor dining areas. This includes picnic areas, sidewalks, and any area available to, or customarily used by, the general public or an employee that is intended or regularly used for consuming food or drink. A business with an unenclosed dining area may establish a designated smoking area elsewhere on the premises if it meets the criteria outlined in the County Smoking Ordinance #5953.

A designated smoking area is a portion of an unenclosed area where smoking may be allowed. It must meet all of the following criteria:

It must be located at least 25 feet in any direction from any operable doorway, window, vent or other opening into an enclosed area.

- It must be located at least 25 feet in any direction from any space that is designated as “smoke-free”.
- It must be located at least 25 feet from unenclosed recreational areas that are primarily used by children and/or areas that have improvements that facilitate physical activity including playgrounds, tennis courts, swimming pools, walking paths, and sports fields.
- It must be no more than five percent (5%) of the total unenclosed area for which it is designated.
- It must be clearly identified by conspicuous signs and have ash receptacles, such as ash trays or ash cans, within the area for proper disposal of smoking waste.

105. If composting on site is proposed, a review of the proposal is required by the Sonoma County Local Enforcement Agency for Solid Waste to determine if a Solid Waste Permit is required prior to commencing operations.

106. All owners of properties with existing or new onsite water well(s) and transient non

community water systems are required to apply for and maintain a state water system permit as an approved potable water supply for the food facility areas. The water system permit would be issued by the California Water Resources Control Board Drinking Water Branch (707)-576-2145.

**PERMIT SONOMA NATURAL RESOURCES:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

**PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

107. An Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well or other water source serving this project and any required monitoring well or water meter to collect groundwater level measurements and water meter readings. 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 Permit Sonoma Project Review staff and County Counsel prior to recordation.
108. Water well(s) serving this project, including Well DW1 and DW2 on the Well Summary & Location Map dated March 2022, shall be equipped to enable regular groundwater level monitoring, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.
109. Totalizing water meter(s) to measure all groundwater extracted for the use shall be installed, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.
110. A Site Plan showing the location of the well(s) with the groundwater level measuring device(s), water storage ponds, tanks, and reservoirs, and the location of all water meter(s) shall be submitted to PRMD. The monitoring well(s) shall be marked with a measuring reference point. The well’s Global Positioning System (GPS) coordinates (in NAD83 California State Plane II or WGS 84lat./long.) shall be noted. The height of the water level measuring reference point above the ground surface shall be specified. Attached to the Site Plan should be the monitoring well(s) well completion reports (with owner information redacted, as is publicly available through California DWR).
111. Building and landscape plans shall include water treatment, rainwater capture system, and recycled water reuse system in substantial conformance with the WATER & WASTEWATER SYSTEMS CONCEPTUAL DESIGN BASIS dated December 16, 2021 by Brelje & Race Consulting Engineers. Plans shall also meet all applicable standards and provisions of Sonoma County Code and all other relevant laws and regulations. The following design details shall be required:
  - a. Dedicated rainwater capture system shall include a tank with minimum capacity of 120,000 gallons;
  - b. Water treatment system shall be designed to treat captured rainwater to potable standards;
  - c. Winery process water shall be treated to tertiary standards and stored in the existing onsite recycled water pond or other approved containment structure;
  - d. All landscape irrigation shall be sourced from recycled water.

112. Prior to grading or building permit issuance, a soil investigation shall be prepared that includes report components listed in the conclusion and recommendation section of the Preliminary Geotechnical Review prepared by Trans Tech Consultants dated April 28, 2022. The soil investigation shall also meet all applicable standards and provisions of Sonoma County Code and all other relevant laws and regulations.

**OPERATIONAL REQUIREMENTS:**

113. The irrigation water supply for the use shall be recycled water from the City of Santa Rosa and onsite recycled winery process water and graywater. Use of groundwater or surface water irrigation is prohibited without modification to terms of this Use Permit.

114. Groundwater Monitoring and Meter Calibration
- a. Groundwater levels and quantities of groundwater extracted for the use shall be measured quarterly. Data shall be reported to Permit Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies.
  - b. Water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to Permit Sonoma at least once every five years.
  - c. If the County determines that groundwater levels are declining in the local groundwater basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by Permit Sonoma.

115. Total groundwater use from the project well(s), inclusive of domestic uses, winery process water, and irrigation of non-agricultural landscaping shall not exceed 3.0 acre feet per year. In the event that average water use over 5 years exceeds 3.0 acre feet per year, the applicant shall prepare or update the Water Conservation Plan to utilize the best available technologies to reduce water use, subject to review and approval by Permit Sonoma. In the event that average water use over 3 years exceeds the estimated water use of the approved Water Conservation Plan by more than 10%, Permit Sonoma shall bring this matter back to the BZA for review of additional measures to reduce net groundwater use.

116. The project shall comply with all applicable regulations, monitoring, and fees associated with the Groundwater Sustainability Agency as applicable to the project site.

**PERMIT SONOMA PLANNING:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

**PRIOR TO BUILDING/GRADING PERMIT PHASE**

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

**Design Review:**



118. All new structures, lighting and signs shall require final design review by Permit Sonoma Design Review Committee prior to issuance of building permits. All exterior finishes shall be of non-reflective materials and colors.
119. Landscape plans shall be subject to Design Review approval prior to issuance of grading or building permits. Landscaping shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property. An Encroachment Permit and/or a Maintenance Agreement with the County shall be required prior to issuance of grading or building permits.
120. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated.

Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24 effective October 2005. Parking lot fixtures shall not exceed 20 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures. All exterior fixtures shall be limited to lamps (light bulbs not exceeding 100 watts).

121. A Water Conservation Plan shall be submitted for all buildings and landscaping prior to building permit issuance, subject to PRMD review and approval. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand to the maximum extent feasible and enhance water resource recovery to maintain sustainable water supplies. Measures that must be evaluated include: installation of low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems and graywater reuse. Landscaping plans must comply with the County Water Efficient Landscape Ordinance. Prior to Building Permit Issuance a Landscape Permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Verification from a qualified irrigation specialist that landscaping plan complies with the County Ordinance shall be provided prior to building permit issuance. The measures in the plan shall be implemented by the applicant and verified by PRMD staff prior to Certificate of Occupancy or operation of the use.
122. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip-line, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

PRMD shall not sign off the grading or building permit for issuance until the project grading and

landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

123. Prior to building permit issuance, the applicant shall submit a Greenhouse Gas Emissions Reduction Plan that defines measures to reduce greenhouse gas emissions for long-term operations of the project. The applicant/operator must maintain documentation of the implementation of the Greenhouse Gas Reduction measures included in the Greenhouse Gas Emissions Reduction Plan. The Greenhouse Gas Emissions Reduction Plan shall, at a minimum, consist of the following:
- a. The purchase of 100% renewable energy;
  - b. Low wattage/energy efficient fixtures will be installed that can be dimmed to at least 50% capacity; and
  - c. Facilitating and encouraging carpooling among employees as often as possible.

Solid Waste:

124. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance.

Please submit: A design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. Provide the Building plan page and detail number for the trash enclosures to the Project Review Health Specialist.

Construction Phase:

125. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
126. NOTE ON PLAN SHEETS: "The following dust control measures will be included in the project:
- a. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as directed by the County.
  - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
  - c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
  - d. Water or other dust palliative will be applied to stockpiles of soil as needed to control dust."

PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits.

127. Construction activities for this project shall be restricted as follows:
- a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
  - b. All construction activities, including the start-up of equipment shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturday. If work outside the times specified above becomes necessary, the applicant shall make a written request to PRMD.
  - c. The delivery of materials or equipment shall only occur during approved construction hours. A sign(s) shall be posted on the site regarding the allowable hours of construction and include the developer's and construction manager's phone numbers for public contact.
  - d. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
  - e. The developer shall designate a Project Manager with authority to implement this mitigation prior to issuance of a building/grading permit. The Developer and Project Manager shall be responsible for taking prompt action to address any complaints.

128. NOTE ON PLAN SHEETS: "All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip-line, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures."

PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

129. The undergrounding of new utilities is required.

USE PERMIT OPERATIONS:

130. The winery shall process grapes grown on-site and in Sonoma County. The Tasting Room shall serve wines made from grapes grown on-site and in Sonoma County. No storage of off-site produced wines is permitted.
131. Winery visitor serving activities and winery events shall comply with all definitions and standards provided under Sec. 26-18-260 of the Zoning Code (Winery Definitions and Standards).
132. Marketing Accommodations must comply with the purpose, applicability, where allowed, maximum number of units, size of units, and performance standards provided under Section 26-88-086 of the Zoning Code (Marketing Accommodations).
133. Wineries and tasting rooms shall not be rented out to third parties for events.
134. The applicant/owner shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way.

Parking and Traffic Management:

135. One (1) parking space per two and one-half (2.5) guests and one (1) space per employee shall be provided onsite for a total of 58 parking spaces (including 4 accessible spaces). To accommodate overflow parking for winery events that exceed 50 guests, the project requires shared parking from the Nunes Farm Tasting Room property. To ensure adequate parking is available on the project site, Saralee's Vineyard Winery and Tasting Room shall not hold winery events that exceed 50 guests on the same date and time of the events involving more than 50 guests at the Nunes Farm Tasting Room. Permit Sonoma shall verify event scheduling and parking coordination requirements are met through the implementation of Conditions of Approval #139 (Traffic Management and Parking Plan) and #140 and #141 (Annual Event Report).
136. Use of on-site unimproved overflow parking areas is allowed to accommodate winery events. Overflow parking and shuttling shall not be used to accommodate parking for winery visitor serving activities.
137. No winery, tasting room, or event parking is permitted along any public or private roadways or on shared vineyard roads.
138. Prior to exercising this approval for winery visitor serving uses and events, a traffic management and parking plan shall be submitted and approved by Permit Sonoma Planning to address the maximum number of people visiting during winery visitor serving activities and winery events. For events exceeding one hundred (100) participants and for events that require use of overflow parking, the traffic management plan shall include the following:
  - a. Provisions for event coordination to avoid local traffic delays.
  - b. Parking attendants for each day of the event.

- c. A plan for on-site parking requirements and queuing of traffic.
- e. Enforcement of the on-street parking restrictions.
- d. Subsequent changes to the approved Traffic Management Plan shall be submitted in advance to the Permit and Resource Management Department.

Food Service:

139. Food service is allowed as specified below.
- a. All food service must be designed to promote and enhance marketing of wine. Food service shall be secondary and incidental to agricultural production, wine sales and education.
  - b. Operating the food service area as a restaurant, café, delicatessen or any food service offering cooked-to-order food is prohibited.
  - c. Food and wine pairings featuring local foods and food products is allowed in conjunction with winery visitor serving activities and winery events.
  - d. Prepared meals featuring local foods and food products is allowed in conjunction with wine trade activities and winery events.
  - e. Retail sales of pre-packaged food in conjunction with wine tasting is allowed subject to the following limitations:
    - (1) Retail sale of pre-packaged food featuring local foods and food products is allowed during the regular business hours identified in the use permit.
    - (2) Retail sale of pre-packaged food is allowed for on-site consumption only. Outdoor seating areas may be allowed for use as outdoor picnic areas.
    - (3) Indoor seating area or table service in conjunction with retail sales of pre-packaged food is prohibited.
    - (4) Off-site signs advertising retail sales of pre-packaged food are prohibited.

Events:

140. The days and hours for winery 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.
141. Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of agricultural promotional events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any

other information required by the director. The annual report shall also include the proposed events for the coming year.

**Waste Management:**

142. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.
143. Trash, Litter, and Graffiti.
- a. At least twice a week, the operator of the establishment shall remove trash, litter, and debris from the sidewalks adjoining the premises plus 10 feet beyond property lines as well as any parking lots under the control of the operator.
- b. The operator of the establishment shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
- c. Trash can only be disposed in exterior dumpsters between the hours of 8:00 a.m. and 8:00 p.m.

**MITIGATION MEASURES**

**AIR QUALITY:**

**Mitigation Measure AIR-1:** The following note shall be printed on all site plans:

**NOTE ON MAP:** “All construction shall implement the following dust control measures:

- a. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.”

**Mitigation Monitoring AIR-1:** Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on the building, grading, and improvement plans.

**Mitigation Measure AIR-2:**

Implement Odor Controls for Wastewater Treatment Facilities

The final design of the on-site tertiary wastewater treatment system shall identify odor control features to ensure that no nuisance odors occur off site. Such features may include chemical treatment of pre-treated effluent, filtration of exhaust vents, no outdoor storage of biosolids, or any other feature to mitigate odor.

**Mitigation Monitoring AIR-2:** Permit Sonoma staff to verify installation of odor control measures prior to final occupancy. If Permit Sonoma receives complaints regarding objectionable odors, staff will investigate the complaint. If it's determined by Permit Sonoma staff that complaints are warranted, the permit holder shall implement additional odor control measures as determined by Permit Sonoma. (Ongoing)

**Mitigation Measure AIR-3:**

Implement Odor Controls for Winery Operations

Pomace and other waste products from processing of grapes shall be disposed of in a manner that does not create nuisance odor conditions, or attract nuisance insects or animals. Disposal options include composting and land applied and disked into the soil on vineyards or agricultural land owned or controlled by the project applicant or immediate off-site disposal (no storage of waste product on site).

**Mitigation Monitoring AIR-3:** Permit Sonoma staff to verify installation of odor control measures prior to final occupancy. If Permit Sonoma receives complaints regarding objectionable odors, staff will investigate the complaint. If it's determined by Permit Sonoma staff that complaints are warranted, the permit holder shall implement additional odor control measures as determined by Permit Sonoma. (Ongoing)

**BIOLOGICAL RESOURCES:**

**BIOLOGICAL RESOURCES:**

**Mitigation Measure BIO-1a1:**

Special Status Plant Species Surveys. A qualified biologist shall conduct a pre-construction survey of the project site prior to construction activities for *Lasthenia burkei* (April-June), *Blennosperma bakeri* (March-April), *Limnanthes vinculans* (April-May), and *Navarretia plieantha* (April-June), and for other CESA-listed species. Surveys shall be either focused or protocol-level surveys and follow methodologies outlined in relevant agency protocols. If special-status plants are observed, their locations shall be mapped and Permit Sonoma and CDFW shall be contacted to determine if additional protective measures are needed to avoid impacts on the species.

**Mitigation Measure BIO-1a2:**

Sensitive Natural Plant Community Surveys. A qualified biologist shall conduct a pre-construction survey of the remnant grasslands on the project site prior to construction activities using relevant CDFW and CNPS releve-protocols or other equivalent quantitative vegetation survey methods (e.g., transect/quadrat) to determine relative cover of native and non-native species in the remnant grassland areas and determine if sensitive natural native grassland is present on the project site by summing relative cover values of all native species and determining if percent cover thresholds have been exceeded. If present sensitive natural plant communities are determined to be present, Permit Sonoma and CDFW shall be contacted to determine if additional protective measures are needed to avoid impacts on these habitats.

**Mitigation Measure BIO-1b1:**

No later than 7 days prior to initiation of construction, and throughout the construction process for the project, orange construction fencing and a double-row of staked wattles shall be installed and maintained around the construction facing perimeters of the altered the artificial wetland ponds (Wetlands 1 and 4), the seasonal wetland swale (Wetland No. 2), wetland ditch/stream (Wetland No. 3) and signs posted at least every 50 feet that state (DO NOT ENTER, HABITAT AREA).

**Mitigation Measure BIO-1b2:**

No later than 7 days prior to initiation of construction and throughout the construction process for the project, orange construction fencing and a double-row of staked wattles shall be installed and maintained around the construction facing perimeters of the remnant annual/perennial grassland and signs posted every 50 feet that state (DO NOT ENTER, HABITAT AREA).

**Mitigation Measure BIO-1c:**

Prior to occupancy, permanent metal signs shall be posted around the perimeter of the remnant annual/perennial grassland areas stating (GRASSLAND HABITAT AREA, DO NOT DISTURB).

**Mitigation Monitoring BIO-1:**

Prior to issuance of any building or grading permit(s), the Project Review Division shall review the results of construction fencing, sign installation and pre-construction surveys and ensure that measures recommended by the biologist or CDFW to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

**Mitigation Measure BIO-2:**

Western Pond Turtle Surveys. A Qualified Biologist shall conduct a pre-construction survey for the western pond turtle and their nests within 48 hours of the commencement of project activities. If western pond turtle or their nests are detected at any time CDFW shall be notified immediately, and the Qualified Biologist shall relocate the turtle to appropriate habitat within the stream it was found. The project shall prepare and implement a Western Pond Turtle Habitat Improvement Plan, if western pond turtle or their nests are found, if required and approved by CDFW.

**Mitigation Monitoring BIO-2:**

Permit Sonoma shall include this mitigation measure in the conditions of approval for any planning, grading and building permits. Permit Sonoma staff shall ensure the western pond turtle surveys have been completed and, if any western pond turtles are found, CDFW has been notified and a Western Pond Turtle Habitat Improvement Plan has been prepared and implemented prior to starting Project activities.

**Mitigation Measure BIO-3:**

The following measures shall be taken to avoid potential inadvertent destruction or disturbance of nesting birds on and near the project site as a result of construction-related vegetation removal and site disturbance:

- (a) To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31).



Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.

(b) If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. In addition, the qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest on the project site. Surveys shall be conducted at the appropriate times of day during periods of peak activity (e.g., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted on the project site and within 100 feet of the construction limits for nesting non-raptors and 500 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.

(c) If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 100 feet of non-raptor nests and 500 feet of raptor nests. Monitoring by a qualified biologist shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project construction activity, as determined by the qualified biologist, shall be monitored daily during the duration of project construction for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice-weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. Following completion of pre-construction nesting bird surveys (if required), a report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction related activities that have the potential to disturb any active nests during the nesting season.

**Mitigation Monitoring BIO-3:**

Permit Sonoma staff will not issue permits for ground disturbing activities between February 1st and August 31st until the site has been surveyed by a qualified biologist to ensure proper fencing and buffers are in place prior to issuance.

**Mitigation Measure BIO-4:**

Bat Protection: Prior to any tree or building removal, a qualified bat biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 days prior to tree or building removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, or exfoliating bark for colonial species, and suitable canopy for foliage-

roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable bat habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified bat biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or complete visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under direct supervision and instruction by a qualified bat biologist with experience conducting two-step tree removal limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

**Mitigation Monitoring BIO-4:**

Permit Sonoma shall include this mitigation measure in the conditions of approval for any planning, grading and building permits. Permit Sonoma staff shall ensure the results of the bat habitat assessment have been submitted to CDFW for written acceptance prior to starting Project activities.

**Mitigation Measure BIO-5a:**

No vegetation will be pruned or removed in the 100-foot setback of the Riparian Corridor along Mark West Creak that is not necessary to construct the project. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Any pruning that is done, including for utility line clearance, will conform to the American National Standard for Tree Care Operation Tree, Shrub, and Other Woody Plant Maintenance Standard Practices, Pruning (ANSI A300 Part 1)-2008 Pruning), and the companion publication Best Management Practices: Tree pruning (ISA 2008). Roots will only be unearthed when necessary.

**Mitigation Measure BIO-5b:**

Once building demolition in the riparian corridor is completed, the disturbed area from the demolition shall be replanted to restore native herbaceous, shrub and tree vegetation.

**Mitigation Monitoring BIO-5:**

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the Riparian Corridor is identified on the building, grading, and improvement plans and plans for the restoration of the areas disturbed by demolishing the building are submitted to Permit Sonoma for review.

**Mitigation Measure BIO-6:**

The applicant shall obtain Army Corp of Engineers' and other applicable agency's permits and approval of final project plans that may affect the ephemeral drainage swale for construction activities associated with improvements and landscaping for the project driveway to River Road. Construction activities will include the use of temporary fencing and water quality controls to protect this feature.

**Mitigation Monitoring BIO-6:**

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until clearance from the Army Corp of Engineer's and other applicable agencies or proof of permitting is provided.

**Mitigation Measure BIO-7:**

The applicant shall identify in final project plans the 50-foot setback or appropriate approval from Army Corp of Engineers and any other applicable agencies for a modification to this setback from the ephemeral drainage swale for construction activities associated with improvements and landscaping for the project driveway to River Road. Construction activities will include the use of temporary fencing and water quality controls to protect this feature.

**Mitigation Monitoring BIO-7:** Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the ephemeral drainage swale and 50 ft setback are identified on the building, grading, and improvement plans or proof of exception is provided.

**Mitigation Measure BIO-8:**

Prior to the issuance of building permits, grading permits, or advertising for construction bids, and appropriate disposal site shall be identified. The contractor will be required to provide evidence to the County that the site does not affect wetlands or other protected resources such as trees or rare plant communities. Surplus concrete rubble or pavement that cannot be reused at the project site shall either be disposed of at an acceptable and legally permitted disposal site or taken to a permitted concrete and/or asphalt recycling facility.

**Mitigation Monitoring BIO-8:** Building/grading permits shall not be approved for issuance by Permit Sonoma staff until contractor provides evidence of appropriate disposal locations and plans.

**Mitigation Measure BIO- 9:**

The applicant shall provide a final landscape plan demonstrating compliance with the County's Tree Protection Ordinance, including tree replacements consistent with Ordinance requirements.

**Mitigation Monitoring BIO-9:**

The applicant shall provide the final landscape plan prior to issuance of a grading permit, with tree plantings confirmed by Permit Sonoma site inspection prior to issuance of an occupancy permit.

**GEOLOGY AND SOILS:**

**Mitigation GEO-1:**

All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the County Subdivision Ordinance (Chapter 25, Sonoma County Code). All construction activities shall meet the California Building Code regulations for seismic safety. Construction plans shall be subject to review and approval of Permit Sonoma prior to the issuance of a building permit. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

**Mitigation Monitoring GEO-1:**

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 requirement.

**HYDROLOGY AND WATER QUALITY:****Mitigation HYD-1:**

The owner/operator shall maintain the required post-construction Best Management Practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction Best Management Practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

**Mitigation Monitoring HYD-1:**

Permit Sonoma would verify post-construction storm water Best Management Practices installation and functionality, through inspections, prior to finalizing the permit(s).

**NOISE:****Mitigation Measure NOISE-1:**

Emergency generators shall be located and designed such that noise generated would not exceed the County's stationary noise source criteria established in this analysis (noise standards for single family residential uses of 50 dB L50 between the hours of 7:00 a.m. and 10:00 p.m. or 45 dB L50 between the hours of 10:00 p.m. to 7:00 a.m.) at any existing noise sensitive receptor. As part of the design process, a specialized noise study will be completed to evaluate the specific design and ensure compliance with County noise standards. Reduction of emergency generator noise can be achieved by the generator as far away as possible from noise sensitive land uses, constructing noise barriers between the generator and noise-sensitive land uses, or using buildings and topographic features to provide acoustic shielding for noise-sensitive land uses.

**Mitigation Monitoring NOISE-1:**

Final design, location, and orientation shall be dictated by findings in the noise study and compliance with County code shall be demonstrated by an onsite noise measurement, with results submitted to Permit Sonoma, prior to issuance of occupancy permit.

**TRANSPORTATION:****Mitigation Measure TRAF -1:**

To minimize potential inconsistencies with planned Class II bicycle facilities, project plans shall include sufficient right-of-way along River Road. Detailed plans along the project's River Road frontage shall be submitted to the Sonoma County Transportation Authority for review and approval prior to the issuance of building permits on the site.

**Mitigation Monitoring TRAF -1:**

Detailed plans along the project's River Road frontage shall be submitted to the Sonoma County Transportation Authority for review and approval prior to the issuance of building permits on the site.

**Mitigation Measure TRAF -2:**

Installation of a traffic signal at the River Road/Slusser Road intersection to address County level of service requirements (General Plan Policy CT-4.2).

**Mitigation Monitoring TRAF -2:**

Detailed plans along the project's River Road frontage shall be submitted to the Sonoma County Transportation Authority for review and approval prior to the issuance of building permits on the site. Installation must take place before final occupancy.

**TRIBAL CULTURAL RESOURCES:****Mitigation Measure TCR-1:**

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

**NOTE ON MAP:**

NOTE ON PLANS: "During construction activities, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds pursuant to Government Code Section 15064.5. If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice."

In the event that human remains are unearthed during construction, state law requires that the County Coroner be contacted in accordance with Section 7050.5 of the State Health and Safety Code to investigate the nature and circumstances of the discovery. If the remains were determined to be Native American interment, the Coroner will follow the procedure outlined in CEQA Guidelines Section 15065.5(e).

A standard condition of approval requires the following language be printed on the grading and building plans:

NOTES ON PLANS: "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 TCR-1:**

Building/grading permits shall not be approved for issuance by Permit Sonoma - Project Review Staff until the above notes are printed on the building, grading and improvement plans.



## Food Service:

- Food and Wine Pairings (no meals) may be provided during permitted tasting hours as part of normal business activities. Food and wine pairing will be pre-prepared samples or tastes produced from food products from the local area. Food will be from a pre-fixed pairing menu and only during tasting room hours. There is no restaurant or deli service provided.
- Food on site will be prepared in the food preparation area within the tasting room building. Food can be provided for occasional employee lunches and employee harvest party. Appetizers or meals featuring local foods and food products may be prepared for occasional marketing or promotional activities that are not open to drop-in guests. Food must be consumed on site.

## Employees:

- Tasting room and Events: Not to exceed 6 full-time employees

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

## FEES:

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,764.00 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,814.00 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.
2. Permit Processing and Development Fees. This “At Cost” entitlement is not vested until all permit processing costs and development fees are paid in full. No grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
3. Condition Compliance Fee. At the time of submitting a building permit application, the applicant/operator shall submit to Permit Sonoma an Approved Permit Condition Compliance Review fee deposit of \$3,332.00 (or other amount consistent with the adopted fee schedule in effect at the time). In addition, the applicant/operator 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.
4. Permit Sonoma Annual Well Monitoring Fee. Prior to building permit final or issuance of a Use Permit Certificate to operate the use, the applicant/operator shall submit to Permit Sonoma an Annual Well Monitoring fee of \$244.00 (or other amount consistent with the adopted fee schedule in effect at the time). The applicant/operator shall be responsible for payment of additional annual well monitoring fees for each year over the effective term of the permit. The annual well monitoring fee shall be paid by January 31 of each year the permitted operation is active.



5. Construction of new or expanded non-residential development shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.

**GENERAL:**

1. This project shall be constructed and maintained in conformance with the project description and project plans located in File No. PLP20-0007, and as modified by these Conditions of Approval.
2. 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 or modification.
3. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if:  
(a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
4. 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.
5. In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.
6. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma 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 Permit Sonoma 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.

**PERMIT SONOMA BUILDING:**

7. The applicant shall apply for and obtain building related permits from Permit Sonoma for each proposed structure. Construction inspections shall occur and the building permit finalized (or approved for occupancy) prior to occupancy of any structure.
8. The proposed uses and occupancies of all building areas and any occupied outdoor areas shall be accurately identified on the proposed plans. Building areas and outdoor areas shall identify all proposed uses and occupant loads associated with all proposed uses. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied. Floor plans, furniture layouts, and associated applicable code justification analyses shall be provided for typical daily uses and for the proposed special event uses identified.
9. The means of egress from all proposed occupied areas within the facility (interior and exterior) shall comply with the applicable sections of the California Building Code (CBC). The means of egress and all applicable code provisions shall be adequately justified for all proposed uses and special events proposed.
10. A geotechnical investigation, in accordance with CBC Chapter 18, shall be submitted if any new foundation elements are proposed, providing site specific foundation design criteria and other geotechnical recommendations for development.
11. Adequate CALGreen documentation shall be provided justifying adherence to the California Green Building Code. This documentation is required to be reviewed and approved by a CALGreen consultant who has been previously approved by permit Sonoma.
12. All structures adjacent to proposed adjusted property lines shall be identified and justified to meet minimum fire resistance rating requirements set forth in the California Building Code (CBC) Table 602. If any existing structures require alteration to achieve code compliance, these alterations shall be submitted and reviewed under an associated Building Permit application.
13. Minimum plumbing facilities for customers and employees, per the California Plumbing Code (CPC), shall be provided for all occupied areas, including during proposed special events.
14. The California Business & Professions Code requires plans and calculations affecting egress components, life safety, and structural elements to be prepared by California licensed design professionals (architects, engineers).
15. A registered design professional in responsible charge shall be identified on each building permit application and be responsible for reviewing and coordinating all submittal documents prepared by others, as required by CBC Section 107.3.4.
16. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the CBC, as determined by the Permit Sonoma Building Division.

17. If, after Building Division approval, any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawings, documents or specifications that are proposed for change.

**PERMIT SONOMA WELL & SEPTIC:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

Water:

18. Prior to building permit issuance and project operation, provide the Permit Sonoma Well & Septic Section with the bacteriological (E. Coli and total coliform) arsenic and nitrate analysis results of a sample of the drinking water well tested by a State-certified lab.

**Please submit:** A copy of the State Certified Lab report to the Permit Sonoma Well & Septic Section for review. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this Department may be required. As an alternative to the well destruction, the applicant may initiate a permanent water treatment program subject to the following requirements prior to issuance of a building permit and/or commencement of project operation:

A deed restriction running with the land and acceptable to PRMD and County Counsel notifying subsequent property owners that treatment of the water supply is required as a

- a. Condition of this Use Permit in order to meet State and Federal MCL’s and provide potable water to all plumbing fixtures.
  - b. Proof of a contract with a qualified service provider shall be submitted for routine/diagnostic water testing, monitoring, maintenance, and record keeping of the water supply system. Initial water test results before and after the water treatment device shall be submitted to PRMD Project Review Health Specialist.
19. Prior to the issuance of building permits the applicant apply for a water supply permit from the State Division of Drinking Water because more than 25 persons per day for 60 days within a year may be served by the water system. A copy of the Use Permit application and conditions must be provided to the State in Division of Drinking Water order to obtain appropriate raw water source sampling requirements.(This process should begin as soon as possible, as the application, plan check and sampling will take some time.)

**Please submit:** A copy of the clearance letter to the Project Review Health Specialist, or the State Drinking Water Program may e-mail clearance directly to PRMD, Project Review-Health..

20. 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.

**Please submit:** Documentation (a well completion log) of a 50 foot annular seal on the water well serving the project.

Septic:

21. Prior to building permit issuance, the applicant shall obtain permits for a process waste water disposal system and a separate domestic sewage disposal system. The systems 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 and process waste disposal systems 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 these disposal systems, and shall include the 200% required reserve areas.

This project is approved for agricultural promotional events and shall provide septic system capacity in accordance with PRMD Policy 9-2-31 (available on PRMD's website under Policy and Procedures). The project septic system shall be designed to accommodate 100 % percent of the wastewater flow from an event with 100 guests, in addition to peak wastewater flows from all other sources plumbed to the septic system, including the employees listed in the traffic study.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements.

**Please submit:** Final clearance from the Well and Septic Section that all required septic system testing and design elements have been met to the Project Review Health Specialist.

22. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections or concerns by the Regional Water Quality Control Board shall be submitted to the Project Review Health Specialist prior to building, grading for ponds or septic permit issuance (if the Regional Water Board Water Resource Engineer or Environmental Specialist have objections or concerns then the applicant shall obtain Waste Discharge Requirements prior to building permit issuance).

**Please submit:** A copy of the Waste Discharge Permit to Permit Sonoma Well & Septic Section prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.

23. Prior to demolition permit issuance the applicant shall abandon existing septic tank(s) under permit and inspection from the PRMD Well and Septic Section. The Project Review Health Specialist shall receive a copy of the “finaled” Abandonment Permit.

**Please submit:** Final clearance from the Well and Septic Section that the septic tank abandonment requirements have been met to the Project Review Health Specialist.

24. Toilet facilities shall be provided for patrons and employees prior to occupancy and operation of the project.

**Please submit:** A copy of the Floor Plan showing the location of the restrooms, prior to issuance of building permits, to the Project Review Health Specialist.

Consumer Protection:

25. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

If the project will operate under a Wine Tasting Room Exemption, the exemption requires:

- a. Proof of a State Wine Grower License (Alcoholic Beverage Control 02 license).
- b. A statement that the wine tasting facility will not offer for sale, food or beverage for onsite consumption (with the exception of the actual wine tasting, prepackaged non-potentially hazardous beverages and crackers).
- c. Note that this Use Permit requires that if any of the following items are new or replacement installations they shall be built to CalCode standards: all flooring, counter tops, restrooms and sinks in the food or beverage service area. The goal is to minimize the need to replace new materials when a small change in the menu triggers the need for a Food Facility permit.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions.

**Please Submit:** An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Environmental Health Plan Check Approval to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Noise:

26. Prior to the issuance of building permits, noise mitigations shall be photocopied from the Noise Study and attached to the building plans submitted for plan check.

Solid Waste:

27. **Prior to building permit issuance**, areas within refuse enclosures for *food facilities*, food retailers, inns and hotels, and multiple housing units with seven (7) or more bedrooms, shall

- Drain to the sanitary sewer system or other appropriately permitted disposal facility.
- Container areas shall not be less than ten feet (10') wide, seven and one-half feet deep and six feet (6') high.
- Gates, if installed on the container area, shall be double doors, opening at the center and level with the access road,
- The outside perimeter of the trash enclosure shall be graded to prevent storm water from draining into the sanitary sewer system.
- The trash enclosure shall be covered with a roof or awning. Overhead clearance and overhangs, wiring or other obstructions on the approach to the container area must be at least fourteen feet (14") high and at least nineteen feet (19') high at the location where the bins are tipped. The containers for refuse and recyclables shall be of sufficient size and adequate number to contain without overflowing all of the refuse and recyclables that are generated on the premises during the designated removal period per the Solid Waste Management Plan.

**Please Submit:** A copy of a design and drainage for trash enclosures and recycling areas to the Project Review Health Specialist for review and approval.

28. 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 tilled 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.

**Please Submit:** A copy of the pomace disposal plan to the Project Review Health Specialist.

Vector Control:

29. 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 bringing the public onto a property with ponds.

**Please Submit:** A copy of the Mosquito and Vector Control Plan and an acceptance letter from the Marin-Sonoma Mosquito and Vector Control District to the Project Review Health Specialist.

PRIOR TO OCCUPANCY:

Water:

30. Prior to occupancy and project operation, 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 2016 California Plumbing Code and subsequent editions adopted by Sonoma County.

**Please submit:** A copy of the Cross Connection Control Specialist's initial report to the Permit Sonoma Well & Septic Section for review.

Note: If the applicant has been required to do a cross-connection control survey by the California State Water Resources Control Board, Division of Drinking Water, then a copy of that survey may be submitted to meet this condition within 120 days after occupancy.

31. 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 PRMD.

**Please submit:** A letter from the Cross Connection Control Specialist to the Permit Sonoma Well & Septic Section stating that backflow prevention has been installed as recommended.

Septic:

32. Prior to building occupancy, all wastewater plumbing shall be connected to a sewage disposal system that has been constructed under permit for the proposed use by the PRMD Well and Septic Section.

**Please submit:** A final clearance from the Permit Sonoma Well & Septic Section, that all required septic system testing, design elements, construction inspections and any required operating permits have been met.

Consumer Protection:

33. 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.

**Please submit:** A letter of approval from the Environmental Health Division to the Project Review Health Specialist verifying compliance with requirements of the California Retail Food Code (CalCode).

Noise:

34. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
<sup>1</sup> 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.		

*Adjusted* TABLE NE-2: Maximum Allowable Exterior Noise Exposures for Outdoor Tasting Room Use Areas and Events

Hourly Noise Metric <sup>1</sup> , dBA	Daytime <sup>2</sup> (7 a.m. to 10 p.m.)	Nighttime Not allowed during nighttime hours (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	45	
L25 (15 minutes in any hour)	50	
L08 (4 minutes 48 seconds in any hour)	55	
L02 (72 seconds in any hour)	60	
<sup>1</sup> 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. <sup>2</sup> Adjusted down 5 dBA for speech and music.		



35. Events shall be limited to the hours of the Daytime Noise Standards found in the Noise Element of the Sonoma County General Plan), currently 7:00 a.m. to 10:00 p.m. All agricultural promotional and private events must end by 9:00 p.m. with clean up to finish by 10:00 p.m. All industry-wide events must end by 5:00 p.m.
36. Amplified sound and the very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors, however are permitted indoors with all the windows and doors closed. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc.) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.
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.
38. Agricultural promotional events that include outdoor music shall be background music not exceeding the level of ordinary conversations.
39. PRMD Project Review Division staff shall ensure that the project complies with project conditions of approval and measures identified in the project noise analysis prepared by Ascent Environmental.

Solid Waste:

40. Prior to building occupancy and project operation, areas within refuse enclosures for food facilities, food retailers, inns and hotels shall drain to the sanitary sewer system or other appropriately permitted disposal facility. The outside perimeter of the trash enclosure shall be graded to prevent storm water from draining into the sanitary sewer system. The trash enclosure shall be covered with a roof or awning.

**Please submit:** A copy of an approval letter from Sonoma County Environmental Health to the Permit Sonoma, Project Review-Health Specialist.

OPERATIONAL REQUIREMENTS:

Water:

41. 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.
42. A safe, potable water supply shall be provided and maintained.

Septic:

43. 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.
44. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
45. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.
46. When permitted agricultural promotional events exceed 100 persons, the permit holder shall provide portable toilets meeting the following minimum requirements:
  - a. An adequate number of portable toilets shall be provided, but in no case shall the number of portable toilets be less than one toilet per one hundred (100) event employees and visitors per day for day use.
  - b. Portable hand washing facilities shall be provided with all portable toilets used for serving visitors or the public. Employees serving food to visitors or the public must have access to permanently plumbed running hot and cold water sinks plumbed to a permitted on-site wastewater treatment system or public sewer.
  - c. Portable toilets shall be serviced as needed, but in no case less than once every seven days.
  - d. The applicant shall provide an accessible portable restroom on the job site where required by Federal, State or local law, including but not limited to, requirements imposed under OSHA, the Americans with Disabilities Act or Fair Employment and Housing Act.
  - e. Portable toilets shall not be brought on-site prior to 48 hours before the special event and shall be promptly serviced and removed within 48 hours after the special event.
  - f. If complaints are received by PRMD regarding the number of available portable toilets that PRMD deems a valid complaint, the applicant or current operator of the Use Permit shall increase the number of portable toilets and/or increase the frequency of maintenance of the portable toilets for the remainder of the agricultural promotional event and at future agricultural promotional events as directed by PRMD. The property owner and/or his agent(s) are expected to maintain portable toilets and hand washing units so that:
    - i) The holding tank does not leak or overflow.
    - ii) Toilet paper is promptly replaced when the dispenser runs out.
    - iii) Water, paper towels and soap are promptly replaced when the hand washing units run out.
    - iv) The wait to use a portable toilet shall not be so long that people use alternatives to sanitary restroom facilities.

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

Consumer Protection:

47. Obtain and maintain all required Food Facility Permits from the Sonoma County Environmental Health & Safety Section if required for the wine tasting and agricultural promotional event activities approved in this Use Permit. State law allows for a wine tasting exemption from a Food Facility Permit. However, in order to qualify for the wine tasting exemption State law requires that no food or beverage be sold for on-site consumption except for wine tasting, prepackaged non-potentially hazardous beverages and crackers. No food or beverage shall be sold for off-site consumption except for bottles of wine and prepackaged non-potentially hazardous beverages. Contact the Environmental Health & Safety Section at 565-6547 for wine tasting information and instruction sheet.

A Food Facility Permit is not required if a caterer holding a valid Retail Food Facility Permit is employed for all food and beverage service. Contact the Environmental Health & Safety Section at 565-6548 for further information regarding caterers. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

48. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food.
49. Obtain and maintain all required Food Industry Permits from the State Department of Food and Agriculture prior to manufacturing any food for off-site shipment.

Solid Waste:

50. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

51. Smoking is prohibited at any public event, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). "No Smoking" signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of "No Smoking" signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.

52. A “Designated Smoking Area” may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

**PERMIT SONOMA GRADING AND STORM WATER:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

53. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
54. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) . The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the *Drainage Report Required Contents* (DRN-006) handout.
55. The proposed project is subject to storm water Low Impact Development (LID) regulations. Post-construction storm water LID best management practices (BMP’s) to mitigate impacts to the quality and quantity of storm water discharges from the project site shall be incorporated into the drainage design of the project. A final Storm Water Low Impact Development Submittal (SW LIDS), based upon the approved initial SW LIDS dated **04/26/2022**, shall be submitted with the grading and/or building permit application and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) prior to the issuance of any grading or building permits. LID BMP’s must be installed per approved plans and specifications, and working properly prior to finaling the grading permit and associated building permits.
56. Landowner shall submit to Permit and Resource Management Department (Permit Sonoma) annually the results of the Storm Water BMP inspection. Inspection shall include but is not limited to the Inspection and Maintenance Checklists, photo evidence of BMP existing conditions, and a report of any maintenance activity, remediation, or replacement of BMP features.
57. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Drainage improvements shall be shown on the grading/site plans and be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department (Permit Sonoma) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with Permit and Resource Management Department’s best

management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.

58. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, limits of disturbed area/total work, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the *Grading Permit Required Application Contents* (GRD-004) handout.
59. Portions of the proposed project are located within a Special Flood Hazard Area (SFHA) and is affected by flooding from Mark West Creek and tributaries thereto. No fill shall be placed within a SFHA, unless an engineering analysis demonstrates that no reduction in the flood storage capacity within the SFHA will result from the fill placement and related improvements. Any land subject to inundation by a SFHA shall be delineated and shown on the grading plans as "SUBJECT TO INUNDATION" in one-inch lettering. The base flood elevation (BFE) varies throughout the site, but the lowest floor elevation of any habitable structure must be at least 1 foot higher than the nearest adjacent BFE and any commercial structures, utilities and machinery must be floodproofed to at least 1 foot above the BFE. The grading plans shall show all elevations based upon the North American Vertical Datum of 1988 (NAVD 88).
60. As part of the grading plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the *Grading Permit Required Application Contents* (GRD-004) handout.
61. Residue or polluted runoff from the crush pad or from production areas/activities shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Crush pads and production areas shall be covered or drain directly to a proper waste disposal system. No diversion valves shall be allowed.
62. Runoff from waste receptacles or outside washing areas shall not be allowed to drain directly to the storm drain system, waterway(s) or adjacent lands. Areas used for waste receptacles and outside washing areas shall be covered or separated from the rest of the project site by grade breaks that prevent storm water run-on. Any surface water flow from a waste receptacle or outside washing area shall not be permitted to enter the storm drain system without receiving appropriate treatment.

63. Grading and land disturbance shall be setback from streams a minimum of 25 feet from the top of stream bank.
64. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, or riparian corridor setbacks, shall be clearly shown and noted on the grading/site plans.
65. A waterway setback analysis shall be prepared to determine the most stringent composite waterway setback, be submitted with the grading and/or building permit application and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The waterway setback analysis shall include several cross sections of Mark West Creek. At a minimum, building, grading, riparian corridor, and floodway limits setbacks shall be included in the waterway setback analysis. The most stringent composite waterway setback shall be clearly shown and noted on the grading/site plans.
66. Before construction may begin near a waterway, a protective construction fence shall be placed in such a manner to allow the proposed development while preventing land disturbance adjacent to the waterway. The protective construction fence shall be shown and noted on the grading/site plans.
67. Any stream crossing, such as a bridge or culvert, shall maintain at least one foot of freeboard between the 100-year water surface elevation and the lowest structural component or soffit of the culvert.
68. Drainage easements are required when conveying storm water runoff through any neighboring properties. Drainage easements shall be clearly shown and noted on the grading/site plans. The applicant shall be responsible for obtaining or creating drainage easements necessary for the proposed project prior to grading or building permit issuance. Any proposed drainage easements shall be private easements unless otherwise approved by the Department of Transportation and Public Works.
69. Construction within Sonoma County Water Agency (SCWA) property, right-of-way, or easement requires a revocable license from SCWA. The following note shall be placed prominently on the grading plans: "The contractor shall obtain a revocable license from the Sonoma County Water Agency (SCWA) prior to the start of any construction activities within SCWA property, right-of-way or easement." A letter of approval from SCWA shall be provided to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit allowing work to occur near or within SCWA property, right-of-way, or easement.
70. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.
71. The applicant is responsible to contact the North Coast Regional Water Quality Control Board and obtain any necessary permits or waivers for proposed work in or near a waterway. The

applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for work within 25 feet of a waterway.

72. The applicant is responsible to contact the California Department of Fish & Wildlife and obtain any necessary permits or waivers for proposed work in or near a waterway. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit work within 25 feet of a waterway.

73. The applicant is responsible to contact the U.S. Army Corps of Engineers and obtain any necessary permits or waivers for proposed work in or near a wetland or navigable waters. The applicant shall provide said documentation to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any permit for work within 25 feet of a wetland or navigable waters.

**SONOMA COUNTY PUBLIC INFRASTRUCTURE:**

**"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_**

Right of Way Requirements:

74. The Applicant shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:

- a. As necessary to construct a future Class II bikeway on the applicant’s side of River Road per design criteria in Chapter 1000 of the Caltrans Highway Design Manual. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
- b. To contain all traffic signal equipment installed on River Road and Slusser Road.

Required Improvements:

75. The Developer shall install a signal at the intersection of River Road with Slusser Road. The signal shall be designed in accordance with Caltrans guidelines, subject to review and approval by the Sonoma County Department of Public Infrastructure (SPI).

Intersections of Roads and Driveways:

76. The Applicant shall construct a driveway entrance such that it conforms to County standards and meets the following criteria to allow for concurrent emergency ingress and egress as well as the smooth and safe movement of passenger vehicles entering and exiting the public road (Slusser Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project’s entry to Slusser Road) meets these requirements.

- a. A minimum paved throat width of twenty-four (24) feet.
  - b. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is a minimum of 12 feet distant from, and parallel with, the physical centerline of Slusser Road. A 1:10 pavement taper shall be constructed on both sides of the entrance if required per Sonoma County Public Infrastructure Construction Standard Drawing 815. Entrance curve radii may be reduced with the approval of the Fire Prevention of Permit Sonoma (PRMD).
  - c. The minimum sight distance for vehicles entering and exiting each driveway shall be in accordance with current County requirements for the speed traveled on the public road servicing the project site. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve minimum sight distance at each driveway. Refer to Sonoma County Public Infrastructure Construction Standard Drawing 812, latest revision, for rural County road driveway and private road intersections.
  - d. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
  - e. The entry shall intersect the public road as close to perpendicular as possible, but in no case shall the entry intersect the public road at more than 20 degrees from perpendicular.
  - f. Refer to Sonoma County Public Infrastructure Construction Standard Drawing 815, latest revision, for private road and driveway intersection details.
77. The Applicant shall construct a driveway entrance such that it conforms to County standards and meets the following criteria to allow for concurrent emergency ingress and egress as well as the smooth and safe movement of passenger vehicles entering and exiting the public road (River Road) that provides access to the property. This condition shall be void if the existing entrance meets these requirements. A signed and stamped statement from a Registered Civil Engineer, licensed in the State of California, will be required to prove the driveway (project's entry to River Road) meets these requirements.
- a. A minimum paved throat width of twenty-four (24) feet.
  - b. Entrance curves having a minimum pavement radius of 25 feet; the entrance curves shall begin on a line that is a minimum of 12 feet distant from, and parallel with, the physical centerline of River Road. A 1:10 pavement taper shall be constructed on both sides of the entrance if required per Sonoma County Public Infrastructure Construction Standard Drawing 815. Entrance curve radii may be reduced with the approval of the Fire Prevention of Permit Sonoma (PRMD).
  - c. The minimum sight distance for vehicles entering and exiting each driveway shall be in accordance with current County requirements for the speed traveled on the public road servicing the project site. Any monuments and/or signs that result from this proposal shall



- be located outside of the necessary sight distance triangles to achieve minimum sight distance at each driveway. Refer to Sonoma County Public Infrastructure Construction Standard Drawing 812, latest revision, for rural County road driveway and private road intersections.
- d. The entry shall be surfaced with asphalt concrete a minimum distance of 25 feet from the existing edge of pavement.
  - e. The entry shall intersect the public road as close to perpendicular as possible, but in no case shall the entry intersect the public road at more than 20 degrees from perpendicular.
  - f. Refer to Sonoma County Public Infrastructure Construction Standard Drawing 815, latest revision, for private road and driveway intersection details.
78. The Applicant shall maintain all existing and proposed vegetation fronting the site as well as within the public right-of-way to preserve the sight distance triangles necessary to achieve the minimum AASHTO required sight distance at any project driveway where it intersects a public roadway.
79. Driveway cross-drains within the County right-of-way shall be upgraded to a minimum 18 inch culvert under the driveway.
80. The Applicant shall construct a stabilized entrance for on-site construction activity to meet the following criteria 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 current County requirements for the speed traveled on the public road(s) providing construction access. Any monuments and/or signs that result from this proposal shall be located outside of the necessary sight distance triangles to achieve the minimum County required sight distance at each driveway.

Traffic Safety Gate Setback:

81. The Applicant shall locate driveway gates a minimum distance of 30 feet from the edge of the pavement, in accordance with Standard Detail 242.

Traffic Control Devices:

82. The Applicant shall install:
- a. Traffic control devices as required by Sonoma County Public Infrastructure, including items such as traffic signs, roadway striping, pavement markers, etc.

- b. Caltrans Standard A20A Detail 22 centerline striping on Slusser Road to extend the no passing zone within 200' of the project driveway.

Improvement Standards:

83. The Applicant 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 20 feet, and shall be submitted electronically on ANSI D 22.0 x 34.0-inch printable sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.

Fees:

84. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to Permit Sonoma (PRMD), prior to signature of the Improvement Plans by the Director of Sonoma County Public Infrastructure.
85. The Applicant, his or her personal representatives, and project consultants are advised that the issuance of building permits is subject to the payment of a development fee (Traffic Mitigation Fee) as required by Chapter 26, Article 98 of the Sonoma County Code. The fee is computed multiplying project Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance. Project ADT is the sum of case production ADT and permitted event ADT. Credit is granted for existing, legal uses.

Processing:

86. Plans for all required improvements shall be submitted to the office of the County Surveyor in Permit Sonoma (PRMD) for review and approval; said office will coordinate review of the plans with SPI. An initial review by SPI 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 SPI prior to the issuance of a building permit or the Applicant shall obtain signed approval from the Director of SPI. The improvement plans shall be signed by the Director of SPI prior to the issuance of an encroachment permit for public road improvements.
87. The Applicant shall obtain an Encroachment Permit issued by Permit Sonoma (PRMD) prior to constructing any improvements within County road right-of-way.

Completion of Required Improvements:

88. Applicant shall complete construction of all the required public improvements prior to use of the property associated with the land entitlement resulting from this application.
89. Pursuant to Section 26-98-670 of the County Code, Sonoma County Public Infrastructure shall offer a reimbursement agreement to the Developer to help fund the cost of construction of the traffic signal described above. The reimbursement will consist of a credit against the

Developer’s required payment of a Traffic Mitigation Fee and payments received from future developers (through year 2033) whose projects are determined by the County to have a “fair share” impact (as defined in the County’s Traffic Study Guidelines) on the need for construction of the signal. Such reimbursement shall be limited in total to the actual cost of the signal over and above the Developer’s calculated “fair share”.

**PERMIT SONOMA FIRE PREVENTION:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

- 90. The subject property (or properties) must be in full compliance with Building Code regulations, Fire Code Regulations and Hazardous Materials regulations prior to occupancy of the buildings and use of the property without written approval by the fire code official.
  - a. A fire inspection shall be conducted by the Sonoma County Fire Prevention Division to determine if the subject property (or properties) is currently in full compliance with applicable Building Code regulations, Fire Code Regulations and Hazardous Materials regulations.
  - b. The Sonoma County Fire Prevention Division may charge and collect a fee for the inspection in an amount, as determined by the county, sufficient to pay its costs of that inspection.
  - c. The Building(s) shall be fire sprinklered and contain a fire alarm system consistence with the occupancy type. Existing sprinklered or non-sprinklered buildings shall be verified based on design to be in compliance with specific occupancy type.
- 91. Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by Sonoma County Code.
- 92. An annual schedule of special events shall be submitted to Sonoma County Fire for each calendar year, including the maximum number of participants, times and dates.
- 93. An annual fire safety inspection is required for any facility requiring a Fire Code Operational Permit. The county or fire district which inspects the facility may charge and collect a fee for the inspection from the owner of the facility in an amount, as determined by the county or fire district, sufficient to pay its costs of that inspection.
- 94. The facility operator shall develop an emergency response plan consistent with Chapter 4 of the 2019 California Fire Code as adopted and amended by Sonoma County Code. Fire safety plans, emergency procedures, and employee training programs shall be approved by the fire code official.
- 95. To facilitate locating an emergency and to avoid delays in response; all existing and newly constructed or approved roadways and buildings whether public or private shall provide for safe access for emergency fire apparatus and civilian evacuation concurrently, and shall provide

unobstructed traffic circulation during an emergency, and shall be constructed and maintained as required by Sonoma County Fire Safe Standards and the California Fire Code, as adopted and amended by Sonoma County Code.

96. Emergency water supply for fire protection shall be available and accessible in locations, quantities and delivery rates as specified in the California Fire Code as adopted and amended by Sonoma County Code.
  - a. Fire hydrants shall be installed as required by the California Fire Code as adopted and amended by Sonoma County Code.
  - b. Emergency water supply for fire suppression may be provided in a naturally occurring or manmade containment structure for projects not served by a municipal water system, as long as the specified quantity and delivery rate is immediately provided.
97. Local Responsibility Area (LRA). Compliance with the general defensible space clearances per CCR Title 19 Div. 1, Chapter 1, Subchapter 1 §3.07.
98. Prior to occupancy, written approval that the required improvements have been installed shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District.

**SONOMA COUNTY ENVIRONMENTAL HEALTH:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

99. If a retail food facility or wine/beer tasting room is proposed, a Retail Food Facility Permit is required for each facility to store, prepare, package, serve or vend food; however, the California Health and Safety Code exempts wine/beer tasting activities, provided the wine/beer tasting activities include no food is being served or sold, with the exception of crackers and pre-packaged non-potentially hazardous beverages. A review and approval of the building plans for each site will be required prior to issuance of a retail food facility permit to operate; or if an exemption is requested, then documents for a wine/beer tasting room exemption shall be submitted and approved prior to concurrence with the exemption and subsequent operation of the facility. Final construction approval is required prior to issuance of a Retail Food Facility Permit.
100. If this site constructs/operates as a Host Facility to support a catering operation that provides food directly to consumers, the site falls under a retail food facility classification in the California Retail Food Code. A retail food facility permit is required to store, prepare, package, serve or vend food. A review and approval of the building plans and/or site review will be required prior to issuance of a retail food facility permit to operate.
101. If the site participates in, or hosts, a special event that is two or more days, it must be approved as a community event. Community events require additional permits and inspections from this Department for the organizer as well as all food vendors.
102. Public events held in the unincorporated areas of Sonoma County are required to comply with Sonoma County Ordinance #5953 which prohibits smoking in public places. The ordinance does allow for the establishment of a Designated Smoking Area that meets criteria

outlined in the ordinance. Criteria can be found at [www.Sonoma-County.org/BreatheEasy](http://www.Sonoma-County.org/BreatheEasy) under Overview and Background – Major Provisions.

103. All owners/operators, managers, supervisors, and employees who sell or serve alcoholic beverages shall complete Responsible Beverage Service (RBS) Training within 90 days from issuance of a new permit and every third year thereafter. All servers/sellers of alcohol hired after the initial 90-day period shall complete the training course within 60 days of employment and every third year thereafter. It is strongly recommended, if alcohol is to be served at special events, that all employees and volunteers complete special event RBS training prior to the event.

The RBS Training shall meet the recommended best practice guidelines of the State of California, Department of Alcoholic Beverage Control or other certifying/licensing body, which the State may designate. Records of successful completion for each owner/operator, manager, supervisor, employee and volunteer shall be maintained on the premises and shall be presented upon request by a representative of the County or local law enforcement agency.

104. As of June 1, 2012 smoking is no longer allowed in outdoor dining areas. This includes picnic areas, sidewalks, and any area available to, or customarily used by, the general public or an employee that is intended or regularly used for consuming food or drink. A business with an unenclosed dining area may establish a designated smoking area elsewhere on the premises if it meets the criteria outlined in the County Smoking Ordinance #5953.

A designated smoking area is a portion of an unenclosed area where smoking may be allowed. It must meet all of the following criteria:

It must be located at least 25 feet in any direction from any operable doorway, window, vent or other opening into an enclosed area.

- It must be located at least 25 feet in any direction from any space that is designated as “smoke-free”.
- It must be located at least 25 feet from unenclosed recreational areas that are primarily used by children and/or areas that have improvements that facilitate physical activity including playgrounds, tennis courts, swimming pools, walking paths, and sports fields.
- It must be no more than five percent (5%) of the total unenclosed area for which it is designated.
- It must be clearly identified by conspicuous signs and have ash receptacles, such as ash trays or ash cans, within the area for proper disposal of smoking waste.

105. If composting on site is proposed, a review of the proposal is required by the Sonoma County Local Enforcement Agency for Solid Waste to determine if a Solid Waste Permit is required prior to commencing operations.

106. All owners of properties with existing or new onsite water well(s) and transient non community water systems are required to apply for and maintain a state water system permit as an approved potable water supply for the food facility areas. The water system permit would be issued by the California Water Resources Control Board Drinking Water Branch (707)-576-2145.

**PERMIT SONOMA NATURAL RESOURCES:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

**PRIOR TO BUILDING PERMIT AND VESTING THE USE PERMIT:**

107. An Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well or other water source serving this project and any required monitoring well or water meter to collect groundwater level measurements and water meter readings. 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 Permit Sonoma Project Review staff and County Counsel prior to recordation.
108. Water well(s) serving this project, including Well DW1 and DW2 on the Well Summary & Location Map dated March 2022, shall be equipped to enable regular groundwater level monitoring, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.
109. Totalizing water meter(s) to measure all groundwater extracted for the use shall be installed, subject to approval by Permit Sonoma Professional Geologist or Environmental Health Specialist.
110. A Site Plan showing the location of the well(s) with the groundwater level measuring device(s), water storage ponds, tanks, and reservoirs, and the location of all water meter(s) shall be submitted to PRMD. The monitoring well(s) shall be marked with a measuring reference point. The well’s Global Positioning System (GPS) coordinates (in NAD83 California State Plane II or WGS 84lat./long.) shall be noted. The height of the water level measuring reference point above the ground surface shall be specified. Attached to the Site Plan should be the monitoring well(s) well completion reports (with owner information redacted, as is publicly available through California DWR).
111. Building and landscape plans shall include water treatment, rainwater capture system, and recycled water reuse system in substantial conformance with the WATER & WASTEWATER SYSTEMS CONCEPTUAL DESIGN BASIS dated December 16, 2021 by Brelje & Race Consulting Engineers. Plans shall also meet all applicable standards and provisions of Sonoma County Code and all other relevant laws and regulations. The following design details shall be required:
- a. Dedicated rainwater capture system shall include a tank with minimum capacity of 120,000 gallons;
  - b. Water treatment system shall be designed to treat captured rainwater to potable standards;
  - c. Winery process water shall be treated to tertiary standards and stored in the existing onsite recycled water pond or other approved containment structure;
  - d. All landscape irrigation shall be sourced from recycled water.
112. Prior to grading or building permit issuance, a soil investigation shall be prepared that includes report components listed in the conclusion and recommendation section of the

Preliminary Geotechnical Review prepared by Trans Tech Consultants dated April 28, 2022. The soil investigation shall also meet all applicable standards and provisions of Sonoma County Code and all other relevant laws and regulations.

**OPERATIONAL REQUIREMENTS:**

- 113. The irrigation water supply for the use shall be recycled water from the City of Santa Rosa and onsite recycled winery process water and graywater. Use of groundwater or surface water irrigation is prohibited without modification to terms of this Use Permit.
- 114. Groundwater Monitoring and Meter Calibration
  - a. Groundwater levels and quantities of groundwater extracted for the use shall be measured quarterly. Data shall be reported to Permit Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies.
  - b. Water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to Permit Sonoma at least once every five years.
  - c. If the County determines that groundwater levels are declining in the local groundwater basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by Permit Sonoma.
- 115. Total groundwater use from the project well(s), inclusive of domestic uses, winery process water, and irrigation of non-agricultural landscaping shall not exceed 3.0 acre feet per year. In the event that average water use over 5 years exceeds 3.0 acre feet per year, the applicant shall prepare or update the Water Conservation Plan to utilize the best available technologies to reduce water use, subject to review and approval by Permit Sonoma. In the event that average water use over 3 years exceeds the estimated water use of the approved Water Conservation Plan by more than 10%, Permit Sonoma shall bring this matter back to the BZA for review of additional measures to reduce net groundwater use.
- 116. The project shall comply with all applicable regulations, monitoring, and fees associated with the Groundwater Sustainability Agency as applicable to the project site.

**PERMIT SONOMA PLANNING:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

**PRIOR TO BUILDING/GRADING PERMIT PHASE**

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

**Design Review:**

- 118. All new structures, lighting and signs shall require final design review by Permit Sonoma Design Review Committee prior to issuance of building permits. All exterior finishes shall be of

non-reflective materials and colors.

119. Landscape plans shall be subject to Design Review approval prior to issuance of grading or building permits. Landscaping shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property. An Encroachment Permit and/or a Maintenance Agreement with the County shall be required prior to issuance of grading or building permits.

120. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review (by PRMD or Design Review Committee). Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated.

Additional measures for lighting impacts include: Lighting plans shall be designed to meet the Lighting Zone (LZ1 for dark areas, LZ2 for rural, LZ3 for urban) standards from Title 24 effective October 2005. Parking lot fixtures shall not exceed 20 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures. All exterior fixtures shall be limited to lamps (light bulbs not exceeding 100 watts).

121. A Water Conservation Plan shall be submitted for all buildings and landscaping prior to building permit issuance, subject to PRMD review and approval. The Water Conservation Plan shall include all reasonably feasible measures to reduce water demand to the maximum extent feasible and enhance water resource recovery to maintain sustainable water supplies. Measures that must be evaluated include: installation of low-flow fixtures, best available conservation technologies for all water uses, rainwater and stormwater collection systems and graywater reuse. Landscaping plans must comply with the County Water Efficient Landscape Ordinance. Prior to Building Permit Issuance a Landscape Permit application shall be submitted for all new and rehabilitated landscapes, as required by the Water Efficient Landscape Regulations (Chapter 7D3 of the Sonoma County Building Code). Verification from a qualified irrigation specialist that landscaping plan complies with the County Ordinance shall be provided prior to building permit issuance. The measures in the plan shall be implemented by the applicant and verified by PRMD staff prior to Certificate of Occupancy or operation of the use.

122. All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip-line, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures.

PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written



verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

123. Prior to building permit issuance, the applicant shall submit a Greenhouse Gas Emissions Reduction Plan that defines measures to reduce greenhouse gas emissions for long-term operations of the project. The applicant/operator must maintain documentation of the implementation of the Greenhouse Gas Reduction measures included in the Greenhouse Gas Emissions Reduction Plan. The Greenhouse Gas Emissions Reduction Plan shall, at a minimum, consist of the following:
- a. The purchase of 100% renewable energy;
  - b. Low wattage/energy efficient fixtures will be installed that can be dimmed to at least 50% capacity; and
  - c. Facilitating and encouraging carpooling among employees as often as possible.

Solid Waste:

124. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance.

Please submit: A design for trash enclosures and recycling areas for review and approval by the PRMD Building Plan Check Section. Provide the Building plan page and detail number for the trash enclosures to the Project Review Health Specialist.

Construction Phase:

125. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
126. NOTE ON PLAN SHEETS: "The following dust control measures will be included in the project:
- a. Water or dust palliative shall be sprayed on unpaved construction and staging areas during construction as directed by the County.
  - b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
  - c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.
  - d. Water or other dust palliative will be applied to stockpiles of soil as needed to control dust."

PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits.

127. Construction activities for this project shall be restricted as follows:
- a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
  - b. All construction activities, including the start-up of equipment shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturday. If work outside the times specified above becomes necessary, the applicant shall make a written request to PRMD.
  - c. The delivery of materials or equipment shall only occur during approved construction hours. A sign(s) shall be posted on the site regarding the allowable hours of construction and include the developer's and construction manager's phone numbers for public contact.
  - d. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
  - e. The developer shall designate a Project Manager with authority to implement this mitigation prior to issuance of a building/grading permit. The Developer and Project Manager shall be responsible for taking prompt action to address any complaints.

128. NOTE ON PLAN SHEETS: "All grading and development on site shall be done in compliance with the County Tree Protection Ordinance, including protection of trees during construction with a chain link fence at the drip-line, and replacement of damaged or removed trees. The project's grading and landscape plans shall detail all tree protection implementation measures."

PRMD shall not sign off the grading or building permit for issuance until the project grading and landscape construction documents clearly show all tree protection measures (as required in the County Tree Protection Ordinance). PRMD shall not sign off the grading or building permit for occupancy until a site inspection has been conducted, and the applicant has provided written verification from the project's landscape architect or contractor, that the tree protection measures were complied with.

129. The undergrounding of new utilities is required.

USE PERMIT OPERATIONS:

130. The Tasting Room shall serve wines made from grapes grown on-site and in Sonoma County. No storage of off-site produced wines is permitted.

131. Winery visitor serving activities and winery events shall comply with all definitions and standards provided under Sec. 26-18-260 of the Zoning Code (Winery Definitions and Standards).
132. The tasting room shall not be rented out to third parties for events.
133. The applicant/owner shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way.

Parking and Traffic Management:

134. One (1) parking space per two and one-half (2.5) guests and one (1) space per employee shall be provided onsite for a total of 36 parking spaces (including 2 accessible spaces). To accommodate overflow parking for winery events that exceed 50 guests, the project requires shared parking from Saralee's Vineyard Winery and Tasting Room property. To ensure adequate parking is available on the project site, Nunes Farm Tasting Room shall not hold winery events that exceed 50 guests on the same date and time of the events involving more than 50 guests at Saralee's Vineyard Winery and Tasting Room. Permit Sonoma shall verify event scheduling and parking coordination requirements are met through the implementation of Condition of Approval #137 (Traffic Management and Parking Plan) and #139 and #140 (Annual Event Report).
135. Use of on-site unimproved overflow parking areas is allowed to accommodate winery events. Overflow parking and shuttling shall not be used to accommodate parking for winery visitor serving activities.
136. No tasting room, or event parking is permitted along any public or private roadways or on shared vineyard roads.
137. Prior to exercising this approval for winery visitor serving uses and events, a traffic management and parking plan shall be submitted and approved by Permit Sonoma Planning to address the maximum number of people visiting during winery visitor serving activities and winery events. For events exceeding one hundred (100) participants and for events that require use of overflow parking, the traffic management plan shall include the following:
  - a. Provisions for event coordination to avoid local traffic delays.
  - b. Parking attendants for each day of the event.
  - c. A plan for on-site parking requirements and queuing of traffic.
  - e. Enforcement of the on-street parking restrictions.
  - d. Subsequent changes to the approved Traffic Management Plan shall be submitted in advance to the Permit and Resource Management Department.

Food Service:

138. Food service is allowed as specified below.

- a. All food service must be designed to promote and enhance marketing of wine. Food service shall be secondary and incidental to agricultural production, wine sales and education.
- b. Operating the food service area as a restaurant, café, delicatessen or any food service offering cooked-to-order food is prohibited.
- c. Food and wine pairings featuring local foods and food products is allowed in conjunction with winery visitor serving activities and winery events.
- d. Prepared meals featuring local foods and food products is allowed in conjunction with wine trade activities and winery events.
- e. Retail sales of pre-packaged food in conjunction with wine tasting is allowed subject to the following limitations:
  - (1) Retail sale of pre-packaged food featuring local foods and food products is allowed during the regular business hours identified in the use permit.
  - (2) Retail sale of pre-packaged food is allowed for on-site consumption only. Outdoor seating areas may be allowed for use as outdoor picnic areas.
  - (3) Indoor seating area or table service in conjunction with retail sales of pre-packaged food is prohibited.
  - (4) Off-site signs advertising retail sales of pre-packaged food are prohibited.

Events:

- 139. The days and hours for winery 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.
- 140. Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of agricultural promotional events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year.

Waste Management:

- 141. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no

more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

142. Trash, Litter, and Graffiti.
- a. At least twice a week, the operator of the establishment shall remove trash, litter, and debris from the sidewalks adjoining the premises plus 10 feet beyond property lines as well as any parking lots under the control of the operator.
  - b. The operator of the establishment shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
  - c. Trash can only be disposed in exterior dumpsters between the hours of 8:00 a.m. and 8:00 p.m.

## **MITIGATION MEASURES**

### **AIR QUALITY:**

**Mitigation Measure AIR-1:** The following note shall be printed on all site plans:

**NOTE ON MAP:** “All construction shall implement the following dust control measures:

- a. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.”

**Mitigation Monitoring AIR-1:** Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on the building, grading, and improvement plans.

### **Mitigation Measure AIR-2:**

Implement Odor Controls for Wastewater Treatment Facilities

The final design of the on-site tertiary wastewater treatment system shall identify odor control features to ensure that no nuisance odors occur off site. Such features may include chemical treatment of pre-treated effluent, filtration of exhaust vents, no outdoor storage of biosolids, or any other feature to mitigate odor.

**Mitigation Monitoring AIR-2:** Permit Sonoma staff to verify installation of odor control measures prior to final occupancy. If Permit Sonoma receives complaints regarding objectionable odors, staff will investigate the complaint. If it’s determined by Permit Sonoma staff that complaints are warranted, the

permit holder shall implement additional odor control measures as determined by Permit Sonoma. (Ongoing)

**Mitigation Measure AIR-3:**

Implement Odor Controls for Winery Operations

Pomace and other waste products from processing of grapes shall be disposed of in a manner that does not create nuisance odor conditions, or attract nuisance insects or animals. Disposal options include composting and land applied and disked into the soil on vineyards or agricultural land owned or controlled by the project applicant or immediate off-site disposal (no storage of waste product on site).

**Mitigation Monitoring AIR-3:** Permit Sonoma staff to verify installation of odor control measures prior to final occupancy. If Permit Sonoma receives complaints regarding objectionable odors, staff will investigate the complaint. If it's determined by Permit Sonoma staff that complaints are warranted, the permit holder shall implement additional odor control measures as determined by Permit Sonoma. (Ongoing)

**BIOLOGICAL RESOURCES:**

**BIOLOGICAL RESOURCES:**

**Mitigation Measure BIO-1a1:**

Special Status Plant Species Surveys. A qualified biologist shall conduct a pre-construction survey of the project site prior to construction activities for *Lasthenia burkei* (April-June), *Blennosperma bakeri* (March-April), *Limnanthes vinculans* (April-May), and *Navarretia plieantha* (April-June), and for other CESA-listed species. Surveys shall be either focused or protocol-level surveys and follow methodologies outlined in relevant agency protocols. If special-status plants are observed, their locations shall be mapped and Permit Sonoma and CDFW shall be contacted to determine if additional protective measures are needed to avoid impacts on the species.

**Mitigation Measure BIO-1a2:**

Sensitive Natural Plant Community Surveys. A qualified biologist shall conduct a pre-construction survey of the remnant grasslands on the project site prior to construction activities using relevant CDFW and CNPS releve-protocols or other equivalent quantitative vegetation survey methods (e.g., transect/quadrat) to determine relative cover of native and non-native species in the remnant grassland areas and determine if sensitive natural native grassland is present on the project site by summing relative cover values of all native species and determining if percent cover thresholds have been exceeded. If present sensitive natural plant communities are determined to be present, Permit Sonoma and CDFW shall be contacted to determine if additional protective measures are needed to avoid impacts on these habitats.

**Mitigation Measure BIO-1b1:**

No later than 7 days prior to initiation of construction, and throughout the construction process for the project, orange construction fencing and a double-row of staked wattles shall be installed and maintained around the construction facing perimeters of the altered the artificial wetland ponds (Wetlands 1 and 4), the seasonal wetland swale (Wetland No. 2), wetland ditch/stream (Wetland No. 3) and signs posted at least every 50 feet that state (DO NOT ENTER, HABITAT AREA).

**Mitigation Measure BIO-1b2:**

No later than 7 days prior to initiation of construction and throughout the construction process for the project, orange construction fencing and a double-row of staked wattles shall be installed and maintained around the construction facing perimeters of the remnant annual/perennial grassland and signs posted every 50 feet that state (DO NOT ENTER, HABITAT AREA).

**Mitigation Measure BIO-1c:**

Prior to occupancy, permanent metal signs shall be posted around the perimeter of the remnant annual/perennial grassland areas stating (GRASSLAND HABITAT AREA, DO NOT DISTURB).

**Mitigation Monitoring BIO-1:**

Prior to issuance of any building or grading permit(s), the Project Review Division shall review the results of construction fencing, sign installation and pre-construction surveys and ensure that measures recommended by the biologist or CDFW to avoid sensitive habitat or species are followed. All protection measures shall be noted on the final project construction plans.

**Mitigation Measure BIO-2:**

Western Pond Turtle Surveys. A Qualified Biologist shall conduct a pre-construction survey for the western pond turtle and their nests within 48 hours of the commencement of project activities. If western pond turtle or their nests are detected at any time CDFW shall be notified immediately, and the Qualified Biologist shall relocate the turtle to appropriate habitat within the stream it was found. The project shall prepare and implement a Western Pond Turtle Habitat Improvement Plan, if western pond turtle or their nests are found, if required and approved by CDFW.

**Mitigation Monitoring BIO-2:**

Permit Sonoma shall include this mitigation measure in the conditions of approval for any planning, grading and building permits. Permit Sonoma staff shall ensure the western pond turtle surveys have been completed and, if any western pond turtles are found, CDFW has been notified and a Western Pond Turtle Habitat Improvement Plan has been prepared and implemented prior to starting Project activities.

**Mitigation Measure BIO-3:**

The following measures shall be taken to avoid potential inadvertent destruction or disturbance of nesting birds on and near the project site as a result of construction-related vegetation removal and site disturbance:

- (a) To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.
- (b) If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. In addition, the qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest on the project site. Surveys shall be conducted at

the appropriate times of day during periods of peak activity (e.g., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted on the project site and within 100 feet of the construction limits for nesting non-raptors and 500 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.

(c) If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 100 feet of non-raptor nests and 500 feet of raptor nests. Monitoring by a qualified biologist shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from project construction activity, as determined by the qualified biologist, shall be monitored daily during the duration of project construction for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with CDFW that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice-weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. Following completion of pre-construction nesting bird surveys (if required), a report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction related activities that have the potential to disturb any active nests during the nesting season.

**Mitigation Monitoring BIO-3:**

Permit Sonoma staff will not issue permits for ground disturbing activities between February 1st and August 31st until the site has been surveyed by a qualified biologist to ensure proper fencing and buffers are in place prior to issuance.

**Mitigation Measure BIO-4:**

Bat Protection: Prior to any tree or building removal, a qualified bat biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 days prior to tree or building removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, or exfoliating bark for colonial species, and suitable canopy for foliage-roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable bat habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified bat biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or complete visual examination of roost features that establish absence of roosting bats. Two-



step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under direct supervision and instruction by a qualified bat biologist with experience conducting two-step tree removal limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

**Mitigation Monitoring BIO-4:**

Permit Sonoma shall include this mitigation measure in the conditions of approval for any planning, grading and building permits. Permit Sonoma staff shall ensure the results of the bat habitat assessment have been submitted to CDFW for written acceptance prior to starting Project activities.

**Mitigation Measure BIO-5a:**

No vegetation will be pruned or removed in the 100-foot setback of the Riparian Corridor along Mark West Creek that is not necessary to construct the project. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Any pruning that is done, including for utility line clearance, will conform to the American National Standard for Tree Care Operation Tree, Shrub, and Other Woody Plant Maintenance Standard Practices, Pruning (ANSI A300 Part 1)-2008 Pruning), and the companion publication Best Management Practices: Tree pruning (ISA 2008). Roots will only be unearthed when necessary.

**Mitigation Measure BIO-5b:**

Once building demolition in the riparian corridor is completed, the disturbed area from the demolition shall be replanted to restore native herbaceous, shrub and tree vegetation.

**Mitigation Monitoring BIO-5:**

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the Riparian Corridor is identified on the building, grading, and improvement plans and plans for the restoration of the areas disturbed by demolishing the building are submitted to Permit Sonoma for review.

**Mitigation Measure BIO-6:**

The applicant shall obtain Army Corp of Engineers' and other applicable agency's permits and approval of final project plans that may affect the ephemeral drainage swale for construction activities associated with improvements and landscaping for the project driveway to River Road. Construction activities will include the use of temporary fencing and water quality controls to protect this feature.

**Mitigation Monitoring BIO-6:**

Building/grading permits shall not be approved for issuance by Permit Sonoma staff until clearance from the Army Corp of Engineer's and other applicable agencies or proof of permitting is provided.

**Mitigation Measure BIO-7:**

The applicant shall identify in final project plans the 50-foot setback or appropriate approval from Army Corp of Engineers and any other applicable agencies for a modification to this setback from the ephemeral drainage swale for construction activities associated with improvements and landscaping for the project driveway to River Road. Construction activities will include the use of temporary fencing and water quality controls to protect this feature.

**Mitigation Monitoring BIO-7:** Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the ephemeral drainage swale and 50 ft setback are identified on the building, grading, and improvement plans or proof of exception is provided.

**Mitigation Measure BIO-8:**

Prior to the issuance of building permits, grading permits, or advertising for construction bids, and appropriate disposal site shall be identified. The contractor will be required to provide evidence to the County that the site does not affect wetlands or other protected resources such as trees or rare plant communities. Surplus concrete rubble or pavement that cannot be reused at the project site shall either be disposed of at an acceptable and legally permitted disposal site or taken to a permitted concrete and/or asphalt recycling facility.

**Mitigation Monitoring BIO-8:** Building/grading permits shall not be approved for issuance by Permit Sonoma staff until contractor provides evidence of appropriate disposal locations and plans.

**Mitigation Measure BIO- 9:**

The applicant shall provide a final landscape plan demonstrating compliance with the County's Tree Protection Ordinance, including tree replacements consistent with Ordinance requirements.

**Mitigation Monitoring BIO-9:**

The applicant shall provide the final landscape plan prior to issuance of a grading permit, with tree plantings confirmed by Permit Sonoma site inspection prior to issuance of an occupancy permit.

**GEOLOGY AND SOILS:**

**Mitigation GEO-1:**

All earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the County Subdivision Ordinance (Chapter 25, Sonoma County Code). All construction activities shall meet the California Building Code regulations for seismic safety. Construction plans shall be subject to review and approval of Permit Sonoma prior to the issuance of a building permit. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy.

**Mitigation Monitoring GEO-1:**

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 requirement.

**HYDROLOGY AND WATER QUALITY:**

**Mitigation HYD-1:**

The owner/operator shall maintain the required post-construction Best Management Practices for the life of the development. The owner/operator shall conduct annual inspections of the post-construction Best Management Practices to ensure proper maintenance and functionality. The annual inspections shall typically be conducted between September 15 and October 15 of each year.

**Mitigation Monitoring HYD-1:**

Permit Sonoma would verify post-construction storm water Best Management Practices installation and functionality, through inspections, prior to finalizing the permit(s).

**NOISE:****Mitigation Measure NOISE-1:**

Emergency generators shall be located and designed such that noise generated would not exceed the County's stationary noise source criteria established in this analysis (noise standards for single family residential uses of 50 dB L50 between the hours of 7:00 a.m. and 10:00 p.m. or 45 dB L50 between the hours of 10:00 p.m. to 7:00 a.m.) at any existing noise sensitive receptor. As part of the design process, a specialized noise study will be completed to evaluate the specific design and ensure compliance with County noise standards. Reduction of emergency generator noise can be achieved by the generator as far away as possible from noise sensitive land uses, constructing noise barriers between the generator and noise-sensitive land uses, or using buildings and topographic features to provide acoustic shielding for noise-sensitive land uses.

**Mitigation Monitoring NOISE-1:**

Final design, location, and orientation shall be dictated by findings in the noise study and compliance with County code shall be demonstrated by an onsite noise measurement, with results submitted to Permit Sonoma, prior to issuance of occupancy permit.

**TRANSPORTATION:****Mitigation Measure TRAF -1:**

To minimize potential inconsistencies with planned Class II bicycle facilities, project plans shall include sufficient right-of-way along River Road. Detailed plans along the project's River Road frontage shall be submitted to the Sonoma County Transportation Authority for review and approval prior to the issuance of building permits on the site.

**Mitigation Monitoring TRAF -1:**

Detailed plans along the project's River Road frontage shall be submitted to the Sonoma County Transportation Authority for review and approval prior to the issuance of building permits on the site.

**Mitigation Measure TRAF -2:**

Installation of a traffic signal at the River Road/Slusser Road intersection to address County level of service requirements (General Plan Policy CT-4.2).

**Mitigation Monitoring TRAF -2:**

Detailed plans along the project's River Road frontage shall be submitted to the Sonoma County Transportation Authority for review and approval prior to the issuance of building permits on the site. Installation must take place before final occupancy.

**TRIBAL CULTURAL RESOURCES:****Mitigation Measure TCR-1:**

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

**NOTE ON MAP:**

NOTE ON PLANS: “During construction activities, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds pursuant to Government Code Section 15064.5. If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice.”

In the event that human remains are unearthed during construction, state law requires that the County Coroner be contacted in accordance with Section 7050.5 of the State Health and Safety Code to investigate the nature and circumstances of the discovery. If the remains were determined to be Native American interment, the Coroner will follow the procedure outlined in CEQA Guidelines Section 15065.5(e).

A standard condition of approval requires the following language be printed on the grading and building plans:

NOTES ON PLANS: “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 TCR-1:**

Building/grading permits shall not be approved for issuance by Permit Sonoma - Project Review Staff until the above notes are printed on the building, grading and improvement plans.