

DESIGN REVIEW COMMITTEE RECORD OF ACTION

May 31, 2023

ITEM NO: 1
Time: 10:05 am
File No.: DRH21-0010

Subject: Kenwood Ranch Winery
Applicant: Kenwood Ranch Winery, LLC
Staff: Georgia McDaniel

Location: 1080 Campagna Lane, Kenwood
APN: 051-260-010 **Supervisory District:** 1

Proposal: Request for final design approval with certain minor design modifications for Phase II Proposed Winery with vested rights on a 16.73-acre parcel. The proposed design is based on the conceptual design as described in the EIR, with modifications made to comply with conditions and other minor changes.

Zoning: DA B7 (Diverse Agriculture, frozen density) RC 25/50 (Riparian Corridor, 25ft and 50ft setbacks) SR (Scenic Resource: Corridor / landscape unit)

CEQA Document: EIR Addendum **Final Authority:** DRC

Prior Meeting: DRC Preliminary - April 19, 2023

ATTENDANCE

Committee: Sierra Hart, (Member Absent), Derik Michaelson
Staff: Georgia McDaniel, Hannah Spencer
Applicant: Chuck Conner, Tina Wallis, James McNair, and others
Others: VOTMA: Roger Peters, Kathy Pons

REVIEW LEVEL: Preliminary Final Review Conceptual

ACTION: FINAL DESIGN APPROVAL

COMMENTS: *

Project Design:
 Site Plan:
 Architecture:
 Parking/Access:
 Landscaping:
 Color/Materials:
 Signage:
 Lighting:
 Other:

Approval	Further Review	Final Details	Staff Clearance
X			

VOTE:

Landscape Member:
Architect Member:
Planning Member:

Committee	Motion	2nd	Decision
Sierra Hart		X	Aye
(Absent)			(Absent)
Derik Michaelson	X		Aye

Ayes: 2 Noes: 0 Absent: 1 Abstain: 0

**DESIGN REVIEW COMMITTEE RECORD OF ACTION
COMMENTS - RECOMMENDATIONS**

Applicant: Kenwood Ranch Winery, LLC	Date: May 31, 2023
Address: 1080 Campagna Lane, Kenwood	File: DRH21-0010
APN: 051-260-010	Action: FINAL DESIGN APPROVAL

NOTE: Applicants shall submit design revisions addressing the following comments for further review. A written narrative for each comment is required. Responses to Final Design Approval comments shall be confirmed by planning staff prior to building permit issuance.

GENERAL

1. This approval covers the Phase II design proposal for Kenwood Ranch Winery as shown on the *Revised DRC Drawings* prepared by Backen-Gillam Architects, dated July 6, 2022.
2. In reaching its decision to approve the item as proposed, the DRC contemplated its authority under Article 82 to refer the matter for final decision to the Planning Commission, including its consideration of the following factors as noted during the meeting:
 - a. DRC noted the EIR addendum appears to analyze certain non-design related matters which may be outside its purview and warranting referral of the item to a higher decision body, including analysis relating to traffic and emergency evacuation planning.
 - b. DRC noted the proposed changes reflected in the phase II proposal indicate the same general level of use and intensity as originally analyzed and approved for the project and appear well supported under the current EIR Addendum #2.
 - c. DRC noted the proposal appears substantially consistent with the design-related items it has been tasked to review under the original project conditions of approval and is unable to identify any specific item of concern requiring further attention, including those raised by members of the Valley of the Moon Alliance (VOTMA).
3. DRC finds the Phase II Winery proposal in substantial compliance with the Board of Supervisor's Final Conditions of Approval (PLP01-0006), dated November 2, 2004, as noted below:

SITE PLAN

4. Approved as proposed and conforming to PLP01-0006 Condition of Approval Nos. 93 through 97, including adjustments to the final access and parking design for minimizing loss of woodland and forest habitat per Mitigation Measures 5.6-2(b) and 5.6-4(b), and for retaining as many trees on-site as possible to minimize visual impacts as seen from Highway 12.

PARKING / CIRCULATION

5. Approved as proposed and conforming to PLP01-0006 Condition Nos. 95 and 97, and further detailed under DRC Comment No. 4.

LANDSCAPING

6. Approved as proposed and conforming to PLP01-0006 Condition Nos. 95 and 97, and further detailed under DRC Comment No. 4.

ARCHITECTURE

7. Approved as proposed and conforming to PLP01-0006 Condition No. 97, and further detailed under DRC Comment No. 8.

COLORS / MATERIALS

8. Approved as proposed and conforming to PLP01-0006 Condition of Approval No. 97, including use of exterior building surfaces that incorporate a variety of colors and materials matching the natural backdrop of the site surroundings to minimize visual impacts from Highway 12:
 - a. *Roofing:* Reclaimed corrugated metal of bonderized finish for all buildings
 - b. *Primary exteriors:* Natural stained vertical wood boards of reclaimed and distressed finish for main buildings and courtyard structure

COLORS / MATERIALS

(Continued)

- c. *Secondary exteriors*: New and recycled local stone veneer for barrel storage buildings and accenting office building lower level; corrugated metal for rear service building
- d. *Doors and windows*: Stained wood and dark painted metal doors and window frames with glazing of low-reflectivity finish
- e. *Hardscape*: Dry stack stone landscape wall from local region; painted concrete floor surfaces

LIGHTING

- 9. Approved as proposed and conforming to PLP01-0006 Condition of Approval Nos. 98 and 99, including design consistency with established LZ1 lighting zone standards for parks, recreation areas and wildlife preserve as demonstrated on the final exterior lighting plan, photometric analysis, and individual fixture cutsheets

SIGNAGE

- 10. n/a

PUBLIC COMMENTS

- None Attached Noted:

Valley of the Moon Alliance (VOTMA) members Roger Peters and Kathy Pons reiterated for the record certain concerns and questions as provided in preceding written correspondence (see attached)

ATTACHMENTS

- 1. PLP01-0006 Conditions of Approval
- 2. Public Comments

DRC 5/31/23

Attachment 1
Conditions of Approval

**Final Conditions of Approval and Mitigation Monitoring Program
Use Permit: Winery: Sonoma Country Inn**

Date: November 2, 2004 **File No.:** PLP01-0006
Applicant: Graywood Ranch LLP c/o Mark Harmon
APN: 051-020-006, -032, -043, -045; 051-010-013, -017
Address: 7945, 7925, 7965, 7935, 8025, 7955, 7661, & 7619 Highway 12, Kenwood

Proposed Project Description: This proposal is a Use Permit for a 10,000 case per year winery, open to the public with tasting room, retail wine sales, and 20 special events per year with a maximum of 200 persons in attendance. Events will include weddings, meetings, winemaker dinners, and charitable auctions and the like. Included in the winery building is a small art gallery. Other buildings in the winery complex are a barrel storage building (4,300 square feet), fermentation building (3,400 square feet), winery offices (1,800 square feet), storage and mechanical (800 square feet), and staff & maintenance area (4,450 square feet). In addition a retail store (3,000 square feet maximum) is included in the winery area. Items for sale will be Sonoma County produce and food items made from Sonoma County produce. Support and storage areas may occupy 33% (1,000 square feet) of the total area. Sales of locally grown products may occupy 90% of the retail area (1,800 square feet), incidental retail sales will occupy no more than 10% (200 square feet) of the retail area. The winery is served by 6 employees and has a 147 space parking lot. The parking lot also includes 12 parking spaces and two spaces for vehicle-plus-trailer parking to serve the public trail.

If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified, 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.

BUILDING:

The conditions below have been satisfied" BY _____ DATE _____

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

Prior to issuance of any permits (grading, septic, building, etc.), evidence shall be submitted to the file that all of the following conditions have been met.

2. A grading permit shall be obtained from the Permit and Resource Management Department prior to the start of any earthwork, unless exempted under Appendix Chapter 33 of the California Building Code. The grading plan, prepared by a civil engineer who is registered by the State, shall be submitted for review and approval by the Permit and Resource Management Department prior to grading permit issuance. Any structures to be constructed as part of the required grading, such as retaining or sound walls, shall require separate building applications and permits.
3. Prior to grading, building, or septic permit issuance a site- and project-specific design level geotechnical engineering investigation shall be prepared to develop seismic design criteria for proposed structures at the site. These reports shall include a characterization of the soil/rock conditions and appropriate seismic design coefficients and near-field factors in accordance with current Uniform Building Code. The project applicant shall incorporate the recommendations developed in the site-specific geotechnical reports prepared for each development area. Said recommendations shall be implemented and constructed as part of the development of the site.

Ground motions and Uniform Building Code site coefficients shall be determined by a separate analysis as part of design-level geotechnical investigations for the specific buildings and other proposed structures. *Impact 5.7-2.*

Mitigation Monitoring: Prior to grading, building or septic permit issuance the applicant shall submit the reports to the County Permit and Resource Management Department. County staff will be responsible for ensuring that the recommendations have been incorporated into the structural design of project improvements.

4. Future design-level geotechnical investigation for proposed leachfield disposal systems or other improvements south of the winery area shall address the presence or absence of liquefiable soils. Such evaluations shall be performed in accordance with California Division of Mines and Geology guidelines. In areas where liquefaction induced ground deformations are determined to pose a risk to proposed leachfield systems or other improvements, ground improvement measures should be implemented as determined by the geotechnical investigations. For structures, measures such as chemical grouting, deep dynamic compaction or vibro-replacement should be considered.

Impact 5.7-3

Mitigation Monitoring: Prior to building, grading, or septic permit issuance the applicant shall submit the design-level geotechnical report as applicable. County staff will be responsible for ensuring that the recommendations have been incorporated into the design of project improvements.

5. If structures or septic systems are proposed in the lowland alluvial fan area, the following measures are required to mitigate ground settlement impacts:

(1) Identify site soil conditions through exploratory borings to determine general soils profile and characteristics and need for any ground improvement measures.

(2) Rework and compact soils where structures are proposed and such soils are identified in the near surface.

(3) Use drilled pier or driven pile foundations which carry the loads from structures through the loose densifiable layers and into competent strata. Alternative foundation designs (such as reinforced mats) also may be considered. *Impact 5.7-4.*

Mitigation Monitoring: Prior to building, grading or septic permit issuance the applicant shall submit the design-level geotechnical report as applicable. County staff would be responsible to ensure that the recommendations have been incorporated into the structural design of project improvements.

6. If structures or septic systems are proposed near steep banks, future building-specific geotechnical investigation for development in the lowland area shall determine the presence or absence of fills and/or natural slopes/banks with a potential for seismically-induced ground cracking and failure by lurching. If found to exist, special foundation design or re-working of the soils or other appropriate design, as determined by the area and site-specific investigations, shall be employed to mitigate this impact. *Impact 5.7-5*

Mitigation Monitoring: Prior to building, grading or septic permit issuance the applicant shall submit the design-level geotechnical report as applicable. County staff will be responsible for ensuring that the recommendations have been incorporated into the structural design of project improvements.

7. Future design-level geotechnical investigation for proposed leachfield disposal systems or other improvements south of the winery area shall address the potential for lateral spreading. In areas where lateral spreading deformations are determined to pose a risk to proposed leachfield systems or other improvements, ground improvement measures should be implemented as determined by the geotechnical investigations. For structures, measures such as chemical grouting, deep dynamic compaction or vibro-replacement should be considered. *Impact 5.7-6.*

Mitigation Monitoring: Building permit approval in specified areas shall be conditioned on preparation of a design-level geotechnical report.

8. The following mitigation measures are required to mitigate significant impacts related to landsliding and slope instability:

(a) Design-level site-specific geotechnical engineering investigation and analysis is required within proposed development improvements. Site specific investigations shall evaluate the potential for slope instability, especially where unstable contacts within the volcanic rock may be exposed as a result of grading.

(b) Grading and excavation activities shall comply at a minimum with the Uniform Building Code, County of Sonoma standards, and site-specific design criteria established in the geotechnical reports. The geotechnical reports shall consider the following measures:

(1) All fills constructed on slopes steeper than 5:1 (horizontal to vertical), or any fills with a height greater than three feet above original ground level shall be keyed and benched into competent material and provided with subdrainage. Unreinforced permanent fill slopes shall be no steeper than 2:1 and, where slope heights exceed 15 feet the fills shall be provided with benches and surface drainage controls. All fills shall be engineered and compacted to at least 90 percent relative compaction (as determined by ASTM D 1557), unless recommended otherwise by the applicant's Geotechnical Engineer.

(2) Slopes on the project site shall be improved with erosion protection and planted with vegetation. Planted vegetation shall include native drought-tolerant and fire-resistant species. Catchment basins shall be constructed at strategic locations where needed to minimize the potential for off-site sedimentation from existing and/or potential on-site sources. Drainage provisions shall be provided during construction to prevent the ponding and/or infiltration of water in temporary excavations other than sediment ponds.

(c) Use proper construction, inspection, and maintenance practices to protect against creation of unstable slopes. A plan for the periodic inspection and maintenance of slope stability improvements, subdrains, and surface drains, including removal and disposal of material deposited in catchment basins, shall be prepared and submitted to the County for review and approval by the County Permit and Resource Management Department Drainage Review prior to requesting final inspection or issuance of certification for occupancy. This plan shall include inspection and disposal procedures, schedule and reporting requirements, and the responsible party. This plan can be part of the overall long-term project maintenance plan. *Impact 5.7-7*

Mitigation Monitoring: As part of building permit applications for individual buildings comprising the winery and associated roadways, the applicant shall submit reports -(a) and (b) to the County of Sonoma Permit and Resource Management Department. The applicant shall submit plans outlined in c) to the County of Sonoma Permit and Resource Management Department Drainage Review. County staff will be responsible for ensuring that the recommendations presented in the soils reports have been incorporated into the grading plans.

9. Road design adjacent to Graywood Creek shall be based on design level geotechnical evaluation. Creek bank stability measures shall be incorporated into road design. Designs may include but shall not be limited to drainage improvements, stream bank stabilization or road setbacks. All grading at the site shall be subject to the requirements of Mitigation Measure 5.7-7 regarding slope stability. These features shall be designed to stabilize upslope areas prone to erosion or earth movement which could block drainages and result in sudden breaches and downslope erosion and flooding. The project applicant shall incorporate the recommendations developed in the site specific geotechnical reports prepared for each development area. Said recommendations shall be implemented and constructed as part of the development of the area. Stabilization measures within creeks shall conform to requirements of the County of Sonoma, California Department of Fish and Game, and other applicable agencies, and shall be submitted for approval by these agencies prior to issuance of grading or building permits for these areas. *Impact 5.7-8*

Mitigation Monitoring: County staff will be responsible for ensuring that the recommendations have been incorporated into the structural design of project improvements.

10. Prior to building, grading, or septic permit issuance the project applicant's Geotechnical Engineer shall complete site-specific investigations with detailed soils analyses of the actual locations and types of proposed buildings, slabs and pavements. Those investigations shall include laboratory testing of on-site soils to assess their expansion potential. These investigations shall result in design recommendations which include specifications for stabilizing areas of expansive soil (if encountered), quality of imported fill material, compaction standards for engineered soil materials, floor slab and pavement design recommendations, surface and subsurface drainage requirements, and grading specifications. *Impact 5.7-9.*

Mitigation Monitoring: County staff will be responsible for ensuring that the recommendations have been incorporated into the structural design of project improvements prior to issuance of building, grading or septic permits.

11. Prior to building, grading, or septic permit issuance, the project applicant shall conduct site-specific geotechnical investigations and analyses of potential differential settlements of buildings and other site improvements, and develop design criteria as necessary to reduce differential settlements to tolerable levels. Potential measures may include but not be limited to overexcavation and recompaction of weak soils or utilizing deep foundations to extend foundation support through low strength soils and into underlying competent material. The applicant shall submit the design level geotechnical report as outlined in Mitigation Measure 5.7-10 to PRMD as part of grading and building permit applications for the winery complex and associated roadways. The applicant shall submit the design-level geotechnical reports to the County of Sonoma Permit and Resource Management Department. *Impact 5.7-10.*

Mitigation Monitoring: County staff will be responsible for ensuring that the recommendations have been incorporated into the structural design of project improvements prior to issuance of building, grading or septic permits.

12. Dust emissions from construction activities shall greatly reduced by implementing fugitive dust control measures according to BAAQMD CEQA guidelines. Any site alteration or grading permit for the winery, the applicant shall incorporate the following dust control measures in the projects that would disturb the ground:

- (a) Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- (b) Cover all hauling trucks or maintain at least two feet of freeboard.
- (c) Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- (d) Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- (e) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas that are inactive for ten days or more).
- (f) Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- (g) Limit traffic speeds on any unpaved roads to 15 miles per hour.
- (h) Replant vegetation in disturbed areas as quickly as possible.

- (l) Suspend any activities that cause visible dust plumes that cannot be controlled by watering.
- (j) Install wheel washers for all exiting trucks or pave project site entrance road prior to initiating construction of the inn or winery.
- (k) Provide contact information and phone number for the person responsible for ensuring these measures are implemented during construction.
- (l) The applicant shall incorporate the measures listed in Mitigation Measure 5.10-1 in the contracts of contractors or subcontractors performing applicant implemented construction.
Impact 5.10-1

Mitigation Monitoring: PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans prior to issuance of grading or building permits. Building inspection staff shall make routine site inspections to ensure that the measures are implemented.

DRAINAGE:

Prior to Permit Issuance: Prior to issuance of any permits (grading, septic, building, etc.) evidence shall be submitted to the file that all of the following conditions have been met.

The conditions below have been satisfied" BY _____ DATE _____

- 13. All improvement plans shall establish a setback line along the waterway which shall be measured from the toe of the streambank outward a distance of 2-1/2 times the height of the streambank plus 30 feet or 30 feet outward from the top of the streambank, whichever distance is greater, unless it can be demonstrated to the satisfaction of PRMD and the Department of Fish & Game that a lesser setback will result in less impact to native vegetation or substantially less grading of steep and erodible slopes.
- 14. Drainage improvements shall be designed by a civil engineer in accordance with the Water Agency's Flood Control Design Criteria for approval by the Flood and Drainage Review Section and shall be shown on the improvement drawings. The drainage plan shall be prepared by a Registered Civil Engineer and in conformance with the Sonoma County Water Agency's Flood Control Design Criteria. All on-site drainage facilities shall be constructed according to Sonoma County Water Agency's Flood Control Design Criteria and the County of Sonoma Permit and Resource Management Department standards and requirements. *Impact 5.3-3*
- 15. The developer's engineer shall include a site grading plan and an erosion control plan as part of the required improvement drawings.
- 16. Prior to issuance of grading or building permits, the applicant shall submit for review and approval of the grading and the drainage improvements plans necessary for the proposed project. The plans shall also include erosion control provisions and details to prevent damages and minimize impacts to the environment.
- 17. Delineation of the existing wetlands on the Final Map as well as on the construction plans is necessary. In addition, wetlands protection measures during the construction process shall be shown on the improvement plans. Appropriate permits from the Corps of Engineers shall be obtained
- 18. a. Prior to the issuance of a grading permit, the applicant shall file with the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) a Notice of Intent to comply with the General Permit for Storm Water Discharges Associated with Construction Activities (General Permit) under the NPDES regulations, and comply with the requirements of the permit to minimize pollution to storm water discharge during construction activities. The General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall meet the following objectives related to construction activities:

- All pollutant sources, including sources of sediment that may affect storm water quality associated with construction activity shall be identified;
- Non-storm water discharges related to construction activity shall be identified;
- Best Management Practices (BMPs) shall be identified, constructed, implemented, and maintained in accordance with a time schedule. The maintenance schedule shall also provide for maintenance of post-construction BMPs.

The BMPs shall include a variety of "housekeeping" measures to prevent pollution from building materials, chemicals and maintenance during construction of the development and infrastructure. Examples of typical "housekeeping" measures to be included in the SWPPP include the following:

1. Performing major vehicle maintenance, repair jobs, and equipment washing at appropriate off-site locations;
2. Maintaining all vehicles and heavy equipment and frequently inspecting for leaks;
3. Designating one area of the construction site, well away from streams or storm drain inlets, for auto and equipment parking and routine vehicle and equipment maintenance;
4. Cleaning-up spilled dry materials immediately. Spills are not to be "washed away" with water or buried;
5. Using the minimum amount of water necessary for dust control;
6. Cleaning-up liquid spills on paved or impermeable surfaces using "dry" cleanup methods (e.g., absorbent materials such as cat litter, and/or rags);
7. Cleaning-up spills on dirt areas by removing and properly disposing of the contaminated soil;
8. Reporting significant spills to the appropriate spill response agencies;
9. Storing stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting;
10. Properly storing containers of paints, chemicals, solvents, and other hazardous materials in garages or sheds with double containment during rainy periods;
11. Placing trash receptacles under roofs or covering them with plastic sheeting at the end of each workday and during rainy weather;
12. Washing-out concrete mixers only in designated on-site wash-out areas where the water will flow into settling ponds or onto stockpiles of aggregate or sand. Whenever possible, the wash-out will be recycled by pumping back into mixers for reuse. The wash-out is not to be disposed of into the street, storm drains, drainage ditches, or streams;
13. Applying concrete, asphalt, and seal coat during dry weather. Keeping contaminants from fresh concrete and asphalt out of the storm drains and creeks by scheduling paving jobs during periods of dry weather and allowing new pavement to cure before storm water flows across it;
14. Covering catch basins and manholes when applying seal coat, slurry seal and fog seal; and,

15. Parking construction equipment over drip pans or absorbent materials, to capture dripping oil and/or other possible pollutants.

- b. Also required under the General Permit is the development and implementation of a monitoring program. The monitoring program shall include inspections (by a qualified professional appointed by the applicant/owner) of the construction site prior to anticipated storm events and after actual storm events. During storm events of extended duration, inspections shall be made during each 24-hour period. The inspections are used to identify areas contributing to storm water discharge, to evaluate the effectiveness of BMPs, and to determine whether additional BMPs or corrective maintenance are needed. All corrective maintenance and BMPs shall be made as soon as possible (provided working conditions are safe), and all necessary equipment, materials, and workers shall be available for rapid response. The SWPPP shall also include post-construction storm water management practices. Post-construction water quality impacts are mitigated under Mitigation Measure 5.3-2.

- c. The applicant shall obtain a County General Grading Permit for all components of the project from the Sonoma County Permit and Resource Management Department. The grading plan shall adhere to current Uniform Building Code and County of Sonoma requirements and shall employ sound construction practices. The amount of total grading on the project site shall be minimized, and the amount of development and grading for sloping areas of the project site shall be reduced. Pier foundations shall be used for structures where this could substantially reduce construction grading.

- d. The applicant's drainage plan shall include a County-approved erosion and sediment control plan to minimize the impacts from erosion and sedimentation during construction of all elements of the project. The drainage plan can be reviewed by the PRMD at the same time as the grading plan. The applicant will be responsible for obtaining coverage under the NPDES General Permit prior to commencement of construction activities. To obtain coverage, the applicant must file a Notice of Intent with the SFBRWQCB. In addition, coverage under this permit shall not occur until the applicant develops an adequate SWPPP for the project. The applicant would also be responsible for obtaining County permits. Applicant shall submit a copy of the NOI, SWPPP, and erosion control plan to County at time of grading permit applications. This plan should conform to all standards adopted by the County. Many elements of the drainage plan would overlap with the SWPPP. This plan should include application of Best Management Practices, including, but not limited to, the following:
 1. Site construction practices including restricting grading to the dry season, specifying construction measures that minimize exposure of bare soil to rainfall, winterization, traffic control, and dust control.
 2. All improvement plans showing development within 100 feet of a stream course shall show a setback line along that waterway that shall be measured from the toe of the stream bank outward a distance of 2 ½ times the height of the stream bank plus 30 feet, or 30 feet from the top of bank, whichever distance is greater. No grading, building, or other development permit shall be issued until evidence is submitted and approved by the PRMD Drainage Review Section that all structures meet or exceed the required setback along the waterway, unless it can be demonstrated to the satisfaction of PRMD and the Department of Fish & Game that a lesser setback will result in less impact to native vegetation or substantially less grading of steep and erodible slopes.
 3. Existing wetlands and the riparian setback shall be delineated on the Final Map as well as on the construction plans.
 4. Designing the access roads to use the minimum amount of grading necessary. Road grading and construction within 100-feet of all streams and major drainages shall be conducted

between May 15 and October 15 during the year(s) of construction, and erosion control measures shall be installed by October 15.

5. Using soil stabilization techniques to protect all finished graded slopes from erosion such as straw mulching, hill slope benching, erosion control matting, hydroseeding, revegetation, and preservation of existing vegetation.
6. Weed-free straw or mulch shall be used to cover bare soils during and after construction, and areas shall be landscaped and revegetated as soon as possible after disturbance. Straw or straw bales used for erosion control shall be certified weed free prior to use on the site, in order to prevent invasive weeds from entering the site.
7. Protecting downstream receiving drainage channels and storm drains from sedimentation and retaining sediment on the project site by using silt fencing, straw bale sediment barriers, and drop inlet sediment barriers, diversion dikes and swales, sediment basins, and sediment traps.
8. After each phase of construction is completed, all drainage culverts and the downstream receiving channels shall be inspected for accumulated sediment. Where sediment has accumulated, these drainage structures shall be cleared of debris and sediment. *Impact 5.3-1*

Mitigation Monitoring: PRMD Drainage Review Staff shall verify that NOI SWPPP & Erosion control measures have been incorporated into building, grading and improvement plans prior to issuance of grading permits.

19. Non-point source water quality impacts from the project will be mitigated with an overall storm water runoff control program. Under the General Construction Permit, the applicant must develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include Best Management Practices for storm water management during and following the construction phase of the project. Mitigation Measure 5.3-1 discusses the management practices applicable to construction activities. The SWPPP shall also include the following in its discussion of post-construction pollution control measures:

- a. Identify specific types and sources of storm water pollutants associated with the proposed project development and land use activities;
- b. Identify the location and nature of potentially significant water quality impacts; and
- c. Specify appropriate permanent control measures to be incorporated into overall site development and residential design/management guidelines to eliminate any potentially significant impacts to receiving water quality from storm water runoff.

Control measures shall incorporate such things as vegetated buffer strips, vegetated swales, water quality detention basins, site development restrictions, public education, and other design or source control management practices, as appropriate, to mitigate adverse potential water quality effects. A program of periodic sweeping and cleaning of pavement shall be implemented. Sweeping materials shall be taken to a landfill or other permitted location.

Post-construction BMPs shall also include the minimization of land disturbance, the minimization of impervious surfaces, treatment of storm water runoff utilizing infiltration, detention/retention, biofilter BMPs, use of efficient irrigation systems, ensuring that interior drains are not connected to a storm drain sewer system, and appropriately designed and constructed energy dissipater devices. These must be consistent with all local post-construction storm water management requirements and policies. *Impact 5.3-2*

The applicant will be responsible for obtaining coverage under the General Construction Permit prior to commencement of construction activities. To obtain coverage, the applicant must file a Notice of Intent with the SFBRWQCB. In addition, coverage under this permit shall not occur until the applicant develops an adequate SWPPP for the project.

Mitigation Monitoring: PRMD staff shall verify compliance prior to issuance of grading, building or septic permits.

20. The following mitigation measures shall be incorporated into the improvement plans, construction plans and building plans to reduce water quality impacts from construction activities and project-related runoff pollutants.
- a. The applicant shall revise the location of the roadway, and alternate water tank to avoid impacts to drainages. Per County requirements, the water tank shall be located at a distance of at least 2 ½ times the height of the stream bank plus 30 feet from the toe of the stream bank, or 30 feet outward from the top of the stream bank, whichever distance is greater. Roadway improvements shall be prohibited any closer to Graywood Creek than the existing road where improvements would be within 50 feet of the top of bank unless it can be demonstrated that making those improvements will result in less impact to native vegetation or substantially less grading of steep and erodible slopes.
 - b. To reduce increased project site runoff impacts to a less-than-significant level: The applicant shall prepare, for the review and approval by the Sonoma County Permit and Resource Management Department, a drainage plan (including appropriate hydrologic and hydraulic information) which minimizes changes in post-development runoff, site peak flows, and stream velocities as compared with pre-development conditions. The design calculations shall demonstrate that the post-development ten-year runoff would not exceed pre-development runoff levels. Examples of applicable BMPs include the following:
 1. Storm water detention facilities to capture and regulate off-site runoff. Storm water detention facilities shall not be in any natural drainage way (i.e., on-stream);
 2. Maintenance of the detention facilities shall be included in the drainage plan and shall include:
 - Regular inspection (annually and after each major storm) for accumulated debris, sediment buildup, clogging of inlets and outlets, and possible erosion problems;
 - Removing accumulated sediments from the basin on an annual basis (if a dry detention pond is used), and every two to five years (when ten to 15 percent of the storage volume has been lost) if a wet detention pond is used; and
 - Mow and maintain pond vegetation, and replant or reseed vegetation as necessary to control erosion.
 3. Permeable pavements to promote infiltration and minimize runoff; and
 4. Cisterns, seepage basins, and Dutch drains to infiltrate roof and parking area runoff.
 - c. The drainage plan shall be prepared by a Registered Civil Engineer and in conformance with the Sonoma County Water Agency's Flood Control Design Criteria.
 - d. All on-site drainage facilities shall be constructed according to Sonoma County Water Agency's Flood Control Design Criteria and the County of Sonoma Permit and Resource Management Department standards and requirements. *Impact 5.3-3*

Mitigation Monitoring: County staff will be responsible for ensuring that the recommendations of the drainage plan have been incorporated into the project.

21. Prior to issuance of permits, the applicant will be responsible for all maintenance of on-site drainage facilities in accordance with the drainage plan. To mitigate the project's cumulative contribution to flooding of Sonoma Creek, the applicant shall also include in their drainage plan (see Mitigation Measure 5.3-3(b)) provisions for maintaining the pre-development 100-year runoff levels. The design calculations shall demonstrate that the post-development 100-year runoff would not exceed pre-development runoff levels. This can be achieved by BMPs such as those outlined in Mitigation Measure 5.3-3(b) (for example, Storm water detention facilities). The applicant will be responsible for preparing the drainage plan and submitting it to the Sonoma County Permit and Resource Management Department. *Impact 5.3-8*

Mitigation Monitoring: County staff will be responsible for ensuring that the recommendations of the drainage plan have been incorporated into the grading and building plans prior to issuance of building, grading or septic permits.

HEALTH

Prior to issuance of any permits (grading, septic, building, etc.) evidence shall be submitted by the applicant/owner and verified by PRMD staff that all of the following conditions have been met.

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

22. Prior to issuance of building permits, the applicant shall provide the Project Review Health Specialist with the bacteriological (E. coli and total coliform) and arsenic analysis results of a sample of your water tested by a State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a copy of the analysis results and they show no contamination. If required, proof of installation of any device to remove contaminants must be shown.

23. Prior to the issuance of building permits or project operation, obtain a water supply permit or letter of clearance from the State Health Department, Office of Drinking Water if more than 25 persons per day in a 60 day period are served by the water system.

24. Prior to building permit issuance, a permit for the sewage disposal system shall be obtained. The system will require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis and percolation testing will be required. Groundwater testing will also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the District Specialist that all required septic system testing and design elements have been met.

25. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.

26. Prior to the issuance of any building permits, an easement shall be prepared by a licensed land surveyor and submitted to PRMD for approval, then recorded properly to demonstrate legal access in perpetuity for all wastewater elements, to be installed on an adjacent parcel.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final a copy of the recorded easement.

27. Prior to building permit issuance, a Financial Assurance Plan by the developer shall be submitted for review and approval by PRMD and with concurrence from the SFBRWQCB. The Financial Assurance Plan shall be Peer Reviewed by private consultants as well as the SFBRWQCB and State Department of Health Services. Recommendations resulting from State Agency or Peer Review and concurrence by PRMD shall be incorporated into conditions. The financial requirements for operation shall be recorded with the property deed.

Condition Compliance: This condition shall not be cleared for recording until the Project Review Health Specialist receives a final clearance from the Liquid Waste Specialist that all required financial elements have been incorporated into the plan. This condition shall not be signed off until the Project Review Health Specialist receives a copy of the recorded Financial Assurance Plan.

28. Prior to building permit issuance, plans for the treatment and disposal facilities shall be prepared by a Registered Civil Engineer. An independent engineering consultant, selected by PRMD and paid by the applicant, shall review the plans. If changes to the plan are warranted, then these modifications shall be incorporated into the design. The design engineer shall inspect the construction and shall verify that construction was according to plans.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the Liquid Waste Specialist that all required design elements have been met.

29. Prior to construction, the on-site wastewater treatment and disposal facilities shall demonstrate that all setback requirements would be met. This can be accomplished by modifying the leachfield areas, or, where appropriate, the property line may be adjusted to meet the setback requirement. *Impact 5.4-3.*

Mitigation Monitoring: The revised leachfield plans and lot lines shall be subject to review and approval by the Sonoma County PRMD Well and Septic Section for conformance with setback requirements prior to issuance of septic permits.

30. Prohibit all improvements such as the proposed mound wastewater system inside the boundaries of the proposed Oak Tree Preserves. If underground pipelines are constructed in the Oak Tree Preserve, excavation shall not occur within the dripline of valley oaks unless the certified arborist determines that the excavation will not significantly impair the health of the tree. *Impact 5.6-2.*

Mitigation Monitoring: The Project Review Health Specialist shall ensure that all wastewater facilities are either located outside the Oak Tree Preserves or that an arborist's report has been prepared and that it concludes that the installation of the facility will not harm the trees.

31. Prior to building permit issuance or prior to building occupancy, if hazardous waste is generated or hazardous materials stored, then the applicant shall comply with hazardous waste generator laws and AB2185 requirements and obtain a permit or approval from the Certified Unified Program Agency (CUPA) or the participating agency. (Additional information and fees may be required).

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a copy of a letter of approval or a current permit from the responsible agency.

32. Prior to the issuance of building permits and the start of any construction, plans and specifications for any retail food facility must be submitted to, and approved by, the Environmental Health Division of the Health Services Department. Contact the Environmental Health Division at 565-6544 for information.

Condition Compliance: The PRMD Project Review Health Specialist will not sign off this condition until a letter of approval has been received from the Environmental Health Division to verify compliance with requirements of the California Uniform Retail Food Facility Law (CURFFL).

33. Prior to building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval to the Division of Environmental Health. (Fees may apply.)

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist has received a copy of an approval letter from the Solid Waste Section of the Division of Environmental Health.

34. The winery wastewater treatment and disposal systems shall be designed to provide adequate treatment and disposal capacity for wastewater flows generated by a peak event at the winery and tasting room, 2,810 gpd. This can be achieved either through the use of an appropriately-sized flow equalization tank to store and regulate excess peak flow entering the treatment system to match the proposed peak design capacity (1,955 gpd), or by sizing the treatment plant and disposal field for the peak flow conditions. The disposal capacity could be expanded to 2,810 gpd by adjusting the winery parcel boundary to the south to expand the leachfield disposal area, increasing the size of the disposal area, or by finding a more suitable disposal area on the winery parcel. The winery disposal field could be relocated farther north of its present location where soils are also suitable for onsite wastewater disposal; the development plan shows several winery-related buildings planned for this area. These proposed buildings would have to be relocated or removed to accommodate the disposal area. The design of the wastewater systems shall be submitted to the County for review and approval. *Impact 5.4-2.*

Mitigation Monitoring: Building related permits shall not be issued by the County until all of the required design elements have been met.

35. To control noise, back-up generators, and the blower units for the wastewater systems shall be enclosed or otherwise baffled for soundproofing. Design of the wastewater systems shall be submitted to the County for review and approval. The system shall be designed and built to be in compliance with condition #59. *Impact 5.11-2.*

Mitigation Monitoring: Building related permits shall not be issued by the County until all of the required design elements have been met, noise mitigation designs have been reviewed and approved, and an engineered monitoring program and written comments from the OSHA consultant have been submitted.

Prior to Building Occupancy Evidence shall be submitted by the applicant and verified by PRMD staff that the following conditions have been met:

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

36. 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 Well and Septic Section of the Permit and Resource Management Department.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the District Specialist that all required septic system testing, design elements, construction inspections and any required operating permits have been met.

37. For a mound, pressure distribution, filled land, or shallow sloping sewage system, the applicant must submit to the Project Review Health Specialist the approved form Declaration of Restrictions with either a Grant Deed/Straw Transfer or Owner's Statement on the map. (Approval by the Project Review Health Specialist of the Draft Declaration of Restrictions form shall be obtained prior to signature and notarization.)
38. Back up power is required for the collection elements (grinder pumps/alarms), equalization tank/anoxic tank, treatment unit, and pumping to and from the pond and irrigation system per the Liquid Waste Specialist letter of June 12, 2001.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the Liquid Waste Specialist that all required design elements have been met.

39. The Flow Equalization Tank, the Anoxic Tank, the Fast Treatment Tank shall be placed underground to control noise. The Chlorine Contact Chamber and the Blower Unit shall be enclosed to control noise. The treatment system must meet the noise limitations found in the Noise Element of the Sonoma County General Plan. Note that this equipment will be placed very close to the property line, and noise readings would be collected at the property line in the event of a noise complaint.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the Liquid Waste Specialist that all required design elements have been met.

40. Gas and odors shall be contained into a collection system and dispersal element underground, with or without carbon filters. The Chlorine Contact Chamber and Gas Collection System (the Blower Unit) shall be enclosed or placed underground to further control odors. A professionally engineered Hydrogen Sulfide/Oxygen monitoring program including sensors with alarms for the gas collection system and any personnel entering confined spaces is required to meet all OSHA standards. The engineered monitoring program shall be submitted to a qualified OSHA consultant for review and comment. To mitigate possible impacts from the accidental release of hydrogen sulfide from the individual package treatment plants, gases and odors shall be contained in an underground collection and dispersal system or scrubbed with passive or active air quality filters (for example, carbon filters). The package plants shall be enclosed or placed underground to further control odors. To ensure the protection of operating personnel, a hydrogen sulfide/oxygen monitoring program shall be engineered and implemented, and all personnel entering confined spaced shall be required to meet all Occupational Safety and Health Administration (OSHA) standards. A qualified OSHA consultant shall review the hydrogen sulfide/oxygen monitoring program. *Impact 5.10-5.*

Mitigation Monitoring: Building related permits shall not be issued by the County until all of the required design elements have been met. This condition shall not be signed off until the Project Review Health Specialist receives an engineered monitoring plan and written comments from the OSHA consultant.

41. Monitoring well locations and depth of monitoring wells shall be reviewed under Plan Check and permitted from PRMD.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the Liquid Waste Specialist that all required design elements have been met.

42. Prior to operation, the applicant's consultant shall prepare a very detailed and specific operations, maintenance and procedure manual and accident contingency plan for the wastewater operators of the package plant. This O/M/P Manual shall be submitted to PRMD and the SFBRWQCB for review and approval prior to the commencement of operations. Prior to PRMD approval, the O/M/P Manual shall go through Peer Review by a private entity selected by PRMD and paid for by the applicant. The O/M/P Manual shall be amended to incorporate recommended changes from Peer Review or SFBRWQCB that receives PRMD concurrence. *Impact 5.4-1.*

Mitigation Monitoring: This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the Liquid Waste Specialist that the amended O/M/P Manual has been received and accepted. Access and use of the O/M/P Manual by the plant operator is an on-going condition of the Use Permit. See Continuing Compliance Section also.

43. A final letter shall be submitted to Sonoma County PRMD from the project engineer approving use of the collection, treatment, storage, and disposal system.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final verification letter from the design engineer.

44. Prior to occupancy of any phase of the project, all of the waste water treatment plant and disposal facility will have been constructed, approved by the design engineer, accepted by the Water Quality Control Board, and a properly trained and licensed California Grade Three Waste Water Treatment Plant Operator shall be available for operation.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives final verification that all required elements are in place.

45. Prior to operation of any retail food facility, a Food Industry Permit must be obtained from the Environmental Health Division of the Health Services Department.

Condition Compliance: The PRMD Project Review Health Specialist will not sign off this condition until a copy of a current permit is received from the applicant to verify compliance with the requirements of the California Uniform Retail Food Facility Law (CURFFL).

46. Prior to providing any food service or allowing any patron/customer food consumption on site, the applicant shall obtain approval from the Environmental Health Division of the Health Services Department. This approval applies to special events, marketing dinners, food sample and wine tasting, catered services or other sales or services of food or beverages that apply under the CURFFL regulations.

Condition Compliance: The PRMD Project Review Health Specialist will not sign off this condition until a letter of approval from the Environmental Health Division of the Health Services has been received.

47. The applicant shall engage a qualified sound consultant to produce a sound report addressing the noise impacts of the sewage treatment plant. The treatment plant must be in compliance with the standards listed in condition #59. In order to reduce noise impacts from events to less-than-significant levels, the following measures shall be required:

- (a) This Use Permit establishes outdoor and indoor noise limits for all special events as follows:

Noise Limits -- During outdoor events the L_{50} value during any 15 minute period of amplified sound shall not exceed 70 dBA at a distance of 50 feet from any outdoor performing group or loudspeaker. Maximum intermittent levels at such locations shall not exceed 90 dBA, and 90 dBA shall not be reached more often than once per hour.

During indoor events, the exterior L_{50} during any 15 minimum period of amplified sound shall not exceed 70 dBA at a distance of 50 feet from the outside face of any wall of the events pavilion building. Maximum intermittent levels at such locations shall not exceed 90 dBA, and 90 dBA shall not be reached more often than once per hour.

Listed below are examples of measures which are available to insure compliance with the noise level limits specified. One or more measures such as these should be selected for incorporation into the project plans as the design process continues.

- (1) Restrict loud events, and/or loud noise sources associated with events, to the interior of the building. The following are examples of noise sources for which an indoor venue shall be selected:
- Pop or rock music, whether live or recorded
 - Drum sets, amplified or not
 - Electric musical instruments (for instance those which make no noise unless provided with electrical power) such as electric keyboards, guitars, and synthesizers
 - Groups with more than three brass or three reed instruments.

- (2) To ensure that the building would provide sufficient noise reduction when needed, the following conditions shall be initiated:
 - Keep windows closed and open doors only briefly as needed to permit entry and exit during indoor events.
 - Construct the building of double faced assemblies, for example stud walls with gypsum board on interior faces and plywood or cement plaster outer faces.
 - Other proven methods of noise reduction.
- (3) Provide a permanent outdoor loudspeaker system
 - Outdoor levels of amplified noise shall be controlled by a specially designed amplification system installed as part of the project. The loudspeakers shall be placed to minimize noise propagation to surrounding parcels, and an electronic limiter device will be included to prevent excessive levels. Users will be required to utilize the on-site system, rather than a temporary system for a particular event.
- (4) Sound Barriers
 - Construct solid walls around the outdoor activity area, creating an enclosed patio. Noise walls shall be designed to control noise from outdoor sources. To obtain substantial reductions of noise levels at the receiving locations, a wall height of eight feet or more is required. The walls shall comprise continuous membranes around the outdoor event area. The locations of any gaps shall be chosen to minimize noise leaks toward the closest noise sensitive areas.

(b) Special events at the winery facility shall be restricted to:

Weekdays: 7:00 p.m. to 10:00 p.m.

Saturdays: 9:00 a.m. to 3:00 p.m. and 7:00 p.m. to 10:00 p.m. (A maximum of six special events may start before 3:00 p.m. and end after 7:00 p.m., but no event shall conclude between these hours.)

Sundays: 9:00 a.m. to Noon and 7:00 p.m. to 10:00 p.m. Only wine tasting dinners are permitted.

(Note: Special events shall not start before or end after the times stated above.)

c) Disclosure Statements

(1) A note shall be placed on the final map as follows:

Outdoor events with music could occur during daytime and evening hours up to 20 times per year. Noise associated with the special events may be audible in nearby residential area.

(2) The CC&R's for the residential lots shall require a disclosure at the time of sale advising of the proximity of the events and the fact that outdoor events with music could occur during daytime and evening hours up to 20 times per year.

(d) Monitoring Reports

(1) During the initial 12 months of operation, at least six events shall be monitored to ensure compliance with noise level limits described in condition # 59. The events selected for monitoring shall be those which are most likely to be noisy (for instance events which include outdoor electronically amplified music). The monitoring shall be performed by a qualified professional with a conventional noise level meter having an A-weighting filter and a "slow" response setting. In at least three cases, an independent sound engineer or consultant shall perform the monitoring. During these events, proper monitoring procedures shall be demonstrated to the event operators. A written report of the monitoring results shall be submitted to the County Permit and Resource Management Department. *Impact 5.11-1*

Mitigation Monitoring: Prior to the issuance of a building permit for the winery tasting room the applicant shall submit a plan showing how the noise limits established in Mitigation Measure 5.11-1(a) shall be met. County staff is responsible for ensuring that the necessary measures are incorporated in the building plans. Monitoring reports shall be submitted to the Project Review Health Specialist for review and evaluation. If events routinely (three or more of the monitored events are not in compliance) exceed the noise standards established in condition #59, then the events portion of the project will be scheduled for review by the Board of Zoning Adjustments. If feasible and effective noise control measures cannot be developed than the Board of Zoning Adjustments shall revoke the permission to hold events at this site.

Compliance with the following conditions is required for as long as this use continues:

48. A safe, potable water supply shall be provided and maintained.
49. An on-going nuisance odor monitoring and remediation program shall be prepared and submitted for review and approval prior to issuance of septic permits. If any odor complaints are received by Sonoma County related to the package treatment plant or septic disposal system, the owner/operator shall immediately activate the nuisance odor remediation measures and take whatever additional measures necessary to render odors to non-detectable levels. All facilities shall be operated to prevent nuisance odors.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a copy of the nuisance odor monitoring plan. Implementation of the plan is an on-going requirement dependent upon future odor complaints. Failure to control nuisance odors is a violation of the Use Permit and may result in penalties or the revocation of the Use Permit. (Nuisance odors may also be prosecuted by Bay Area Air Quality Management District under provisions of the Health & Safety Code or by the District Attorney under the nuisance provisions of the Penal Code § 370 et seq., depending on the severity of problem. The proposed treatment system has tremendous odor producing potential if the system malfunctions or fails).

50. Wastewater samples shall be collected, tested, and reported at the frequency required by the SFBRWQCB and the Operational Permit from PRMD.

Condition Compliance: Operation of the liquid waste disposal system within the parameters set by the San Francisco Bay Regional Water Quality Control Board and the operational permit is an on-going condition.

51. Prior to entering the leach field the effluent shall meet all SFBRWQCB Waste Discharge Requirements, including effluent limitations for Nitrate Nitrogen, 5 Day Biological Oxygen Demand (BOD), Dissolved Oxygen (DO), Suspended Solids (SS) content, Total Coliform and Fecal Coliform.

Condition Compliance: Monthly reporting to PRMD is an on-going requirement.

52. All wastewater shall always be discharged subsurface to an approved leachfield system within the approved areas of vineyards and restricted landscaping areas and meeting all county and SFBRWQCB Standard Setbacks (to wells, to property lines, buildings, etc).

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the Liquid Waste Specialist that all required design elements have been met. After the initial design, this becomes an on-going condition.

53. The "FAST" system shall be operated, maintained, and monitored by a California Licensed Grade Three Waste Water Treatment Plant Operator (Grade 3 Operator) and shall be under a valid Operational Permit with the County. The Grade 3 Operator shall maintain all components of collection, treatment, and disposal, and shall have access to all monitoring records. To ensure proper operation of the "FAST" system, the applicant/owner shall perform regular monitoring of the influent and effluent from the inn/spa/restaurant treatment system. Specific monitoring requirements will be

established in the WDRs adopted by the Regional Board. They are anticipated to include the following: influent and effluent flow rates, BOD (20°C, 5-day), TSS, settleable solids, total Kjeldahl nitrogen, nitrate-nitrogen, pH, and total and fecal coliform organisms.

The applicant/owner shall prepare a groundwater sampling program, and install monitoring wells upgradient and downgradient of the proposed commercial wastewater disposal areas subject to review and approval by PRMD staff. Conditions of the groundwater monitoring program would be provided in the Regional Board's waste discharge requirements (WDR). At a minimum, the groundwater monitoring program is anticipated to include analysis of the following constituents: nitrate-nitrogen, total Kjeldahl nitrogen, total and fecal coliform organisms.

Wastewater and groundwater monitoring data shall be provided and analyzed in monitoring reports to the County and Regional Board. Monitoring reports shall include all water quality monitoring performed, and shall be submitted to the County monthly by the first of each month and to the Regional Board according to the adopted schedule in the WDRs. *Impact 5.4-1*

Mitigation Monitoring: Staff from PRMD and SFBRW QCB shall review these reports to ensure ongoing compliance with these conditions.

54. The Grade 3 Operator shall be given authority to cease disposal of wastewater whenever conditions appear to not meet requirements. The Grade 3 Operator shall be required to communicate verbally and in writing with the SFBRW QCB and PRMD when operational conditions do not meet requirements and corrections have not been completed within 24 hours. This reporting requirement is in addition to any other reporting requirement specified in law or required by a Waste Discharge Requirement from the SFBRW QCB.

Condition Compliance: Operation of the liquid waste system by a California Licensed Grade Three Waste Water Treatment Plant Operator is an on-going requirement of the Use Permit.

55. To mitigate impacts to groundwater quality, the proposed "FAST" wastewater pretreatment systems shall be designed and operated for nitrogen removal to ensure that the nitrate concentration of the commercial wastewater effluent entering the disposal fields would not result in a groundwater quality that exceeds the drinking water standard at any property boundary. This requirement can be achieved safely by providing a final effluent nitrogen concentration of 15 mg-N/L, which is a reasonable treatment standard for a "FAST" system. The proposed "FAST" treatment systems shall be designed and operated to achieve effluent total nitrogen concentrations below 10 mg-N/L.
Impact 5.4-4.

Mitigation Monitoring: The revised design shall be submitted to the County and reviewed by a qualified engineer to assure the system would meet the required concentration prior to issuance of permits for construction of the system.

56. The entire wastewater collection, treatment, storage, and disposal system for Sonoma Country Inn shall have a valid Operational Permit, issued by PRMD. The owner must agree to the Operational Permit Conditions, including an Easement Agreement, submittal of a monthly Self-monitoring/reporting program (due by the 15th of each month), and payment of all related yearly fees.

Condition Compliance: Disposal of liquid waste within the operating parameters of the permit, and maintaining the operating permit, is an on-going condition of the Use Permit.

57. The Winery facility will be subject to a Mandatory Closure Agreement in the case that public health conditions may arise or groundwater contamination conditions occur, such as, but not limited to: treatment plant failure, treatment plant spill, collection system leakage, collection system surface failure, loss of power, catastrophe, or rescission of Waste Discharge Requirements by the SFBRW QCB. The owners will agree to mandatory closure of the entire facility until such time as the problem shall have been successfully mitigated, and fees and fines have been paid for. This agreement shall be prepared for recording and submitted for review and approval by PRMD prior to issuance of building

permits. Said agreement shall be recorded prior to requesting final inspections or issuance of certificates of occupancy. This agreement will be an on-going operating condition of the Use Permit.

Condition Compliance: This condition shall not be signed off until the Project Review Health Specialist receives a final clearance from the Liquid Waste Specialist that the Mandatory Closure Agreement has been received, accepted and a copy of the recorded agreement has been received.

58. Development of the site shall not exceed the available capacity of the leachfields as proposed, unless it is shown that the site can provide additional capacity for leachfield disposal according to the County requirements. *Impact 5.4-3*

Mitigation Monitoring: Project approval should be conditioned on incorporating Mitigation Measure 5.4-3 into the subdivision conditions. The revised leachfield plans and lot lines shall be subject to review and approval by the Sonoma County PRMD Well and Septic Section.

59. Noise from operations at the facilities shall be controlled in accordance with the following standards:

Category	<u>Maximum Exterior Noise Level Standards, dBA</u>		
	Cumulative Duration of Noise Event in Any One-Hour Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
1	30-60 minutes	50	45
2	15-30 minutes	55	50
3	5-15 minutes	60	55
4	1-5 minutes	65	60
5	0-1 minutes	70	65

Limit exceptions to the following:

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

60. Groundwater elevations and quantities of groundwater extracted for this site shall be monitored and reported to PRMD pursuant to section RC-3b of the Sonoma County General Plan and County policies. Groundwater use shall be limited to 19.4 acre-feet per year, and shall not include the use by the residential parcels.

PUBLIC WORKS:

Prior to issuance of any permits (grading, septic, building, etc.) evidence must be submitted by the applicant/owner and verified by PRMD staff that all of the following conditions have been met.

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

61. The Developer shall obtain a State of California Encroachment Permit before making any improvements or constructing any driveway (or intersection) with State Highway 12 and shall construct the improvements (driveway or intersection) in accordance with Caltrans Standards.
62. The Traffic Mitigation Fee shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code, inclusive before issuance of any building permit which results from approval of this application.
63. If the winery is constructed prior to recordation of the Final Map the following condition shall apply: Prior to building, grading or septic permit issuance, the applicant shall provide proof that all permits needed from any State or Regional Agency (i.e., Caltrans, Public Utilities Commission, etc.) to construct the following improvements have been issued. The required improvements are: construction of center turn lanes on Highway 12 between the entrance to Graywood Ranch and Lawndale Road and at the Randolph Avenue intersection, as illustrated on the conceptual mitigation plan dated May 17, 2004, prepared by Adobe Associates. These improvements must be installed under permits from Caltrans and all work done to their specifications. Because this mitigation addresses a significant cumulative traffic impact that is area specific and not related to the Countywide Traffic Impact Fees, the applicant may enter into a reimbursement agreement with the County to allow reimbursement of fair-share contributions from other private new development in the area that likewise contributes to the cumulative impact. For purposes of this agreement, the fair-share for the Sonoma Country Inn project (including the residential units, inn and winery uses) is calculated at 8% of the project costs based on projected 2012 traffic conditions and the method defined by Caltrans, "Guide for the Preparation of Traffic Impact Studies" for determining equitable responsibility for costs. All reimbursements would come from contributions required for discretionary private development in the local area and shall not include reimbursements from any public funds, or traffic mitigation fees. The term of any reimbursement agreement shall be limited to 10 years. It is understood that there may not be full or partial reimbursement for the costs of this improvement due to traffic generated outside of the County's jurisdiction.

Prior to building occupancy all improvements shall be completed and documentation submitted to PRMD from Caltrans indicating that the improvements have been accepted. *Impact 5.2-5 and 5.2-8.*

Mitigation Monitoring: The applicant shall submit documentation from Caltrans (or other State or Regional Agency) to PRMD that all permits required to complete the improvements have been issued.

64. Alternative mitigation measures were developed in the FEIR. If the applicant is unable to install the center turn lanes the following mitigation measure goes into effect. Installation of traffic signals at the Randolph Avenue, Adobe Canyon Road and Lawndale Road intersections would reduce the cumulative impact at these intersections to less-than significant. However, signal installation may not be feasible at each of these locations due to lack of funding, and because of Caltrans policies limiting signals on state highways. To offset the potential impacts at these locations, the applicant shall provide a significant contribution to signalize the SR 12/Adobe Canyon Road or the SR 12/Randolph intersection as determined by the Director prior to issuance of building permits. The amount of the contribution shall be equal to the percentage of total maximum daily traffic the project contributes to the amount of increased traffic projected to 2012 in the traffic study completed for the project EIR. *Impact 5.2-8.*

Mitigation Monitoring: The County shall estimate costs and the amount of contributions and collect these funds prior to issuance of building permits or prior to recordation of the Final Map.

65. Alternative mitigation measures were developed in the FEIR. If the applicant is unable to install the center turn lanes the following mitigation measure goes into effect. The project applicant shall install the following off-site improvements prior to occupancy, unless it is determined that public agency assistance is necessary. If County assistance is determined necessary to carry out this condition, then the applicant may pay to the County the cost of the following improvements prior to issuance of building permits. The applicant would be responsible for completing these improvements or funding the full cost of this mitigation (subject to a reimbursement agreement as outlined in Condition # 63 above). This is required prior to recording the Final Map, however, if construction on the inn is to start

prior to recording the Final Map, the cost of these improvements shall be paid prior to building permit issuance. Impact 5.2-5.

- (1) Widen Randolph Avenue sufficiently to provide a right turn lane. Review design of the improvement with the Kenwood Fire Protection District to ensure adequate access and, if necessary, adequate alternative parking is provided.
- (2) Widen Lawndale Road to provide a second northbound approach lane to SR 12.

Mitigation Monitoring: The County would be responsible for determining if the improvements will be completed by the applicant prior to issuance of building permits and collecting funds if these improvements cannot be feasibly carried out without public agency assistance.

66. The applicant shall be responsible for preparing a construction traffic and parking control program to be carried out during construction and submitted to PRMD prior to issuance of grading, building or septic permits. The program shall be listed on all grading and construction plans and shall include the following elements:

- (1) Prohibit parking of construction vehicles anywhere other than on-site.
- (2) Plan for clean-up of any spills or debris along the construction truck delivery route.
- (3) Prohibit parking within the dripline of oak trees and installation of protective fencing prior to issuance of grading, building or septic permits. *Impact 5.2-15.*

Mitigation Monitoring: County staff shall review the grading and construction plans to ensure that an adequate traffic control plan has been incorporated and shall conduct periodic inspections during construction to ensure compliance.

Operational Conditions:

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

67. No parking will be allowed along Highway 12.

REGIONAL PARKS:

Prior to issuance of any permits (grading, septic, building, etc.) evidence shall be submitted by the applicant/owner and verified by County staff.

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

68. An easement of sufficient width for a six to eight foot wide multi-use (hikers, bicyclists, equestrians, etc.) public trail shall be dedicated to Sonoma County Regional Parks on the Map or prior to development of the winery site. The easement width shall be sufficient to avoid the road drainage and the need for retaining walls. Where the trail is not adjacent to the road it shall be at least a 12 foot wide easement. The easement for the trail will begin at the Winery Parking Lot and run parallel to the alignment of the roadway to the corner of Lot 11. The alignment shall minimize or eliminate the need for the trail to cross the roadway. The alignment shall be agreed upon by Parks, the applicant and PRMD prior to recordation of the Final Map. If construction on the winery starts prior to recordation of the Final Map, then the trail easement shall be made via a deeded easement in favor of the Sonoma County Regional Parks Department.

69. Prior to recordation of the Final Map or development of the winery site, the applicant shall grant Regional Parks the right to cross the property as necessary for the purpose of constructing the trail. If construction on the winery is planned prior to the recordation of the Final Map, then the applicant shall

provide for the right to cross the property as necessary for the purpose of constructing the trail via a deeded easement in favor of Regional Parks.

- 70. Prior to recordation of the Final Map or development of the winery site, the applicant shall grant to Regional Parks the right to use "Road A" to access the trail for operations, maintenance and emergency access. If construction on the winery is planned prior to the recordation of the Final Map then, the applicant shall provide for the right to use "Road A" to access the trail for operations, maintenance and emergency access via a deeded easement in favor of Regional Parks.
- 71. Prior to recordation of the Final Map or development of the winery site, the applicant shall enter a covenant with Regional Parks to establish a trail on Lot 11 from the end of the dedicated trail easement to Hood Mountain Regional Park. The County Regional Parks Department shall be responsible for establishing the trail alignment through Lot 11 and for constructing the trail from Lot 11 to Hood Mountain Regional Park on a reasonable grade. The width of the easement shall be sufficient to accommodate an 8 foot wide trail and landings, but in no case shall it be less than 15 feet wide. Selection of the trail easement in the vicinity of the population of *Ceanothus sonomensis* shall be coordinated with the California Department of Fish and Game. If construction on the winery starts prior to recordation of the Final Map, then the trail easement shall be made via a deeded easement in favor of the Sonoma County Regional Parks Department.
- 72. Prior to recordation of the Final Map the applicant shall grant a public access easement for the trail head parking lot located in the winery parking area and access to the parking area across "Road A" from Highway 12 to the parking area. If construction on the winery starts prior to recordation of the Final Map then access across "Road A" shall be made via a deeded easement granting public access over this portion of the road.
- 73. Regional Parks shall design the trail. The applicant will cooperate and coordinate efforts with Regional Parks in order to minimize the disturbance from construction activities. The design of the trail shall be as natural as possible between Road A and Graywood Creek, minimizing the use of any asphalt pavement within the riparian corridor and grading required to accommodate the proposed right-of-way improvements. *Impact 5.6-2.*

Prior to Building Occupancy evidence shall be submitted by the applicant and verified by County staff that the following conditions have been met:

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

- 74. The applicant shall construct a trail head parking lot with room for twelve vehicle spaces including one for disabled parking. In addition, the parking lot shall accommodate a minimum of two vehicle-plus-trailer parking spaces. The applicant shall be responsible for redesigning the winery parking lot plan to incorporate the trail designated parking. This parking lot shall be constructed at the time of construction of the access roadway. Occupancy of the winery shall not be granted until the parking lot has been constructed. The applicant shall be responsible for maintaining the trail head parking lot. *Impact 5.2-14*

Mitigation Monitoring: County staff is responsible for reviewing the adequacy of the revised parking lot layout.

- 75. The trail shall have visible signage at Highway 12 and the parking lot that clearly identifies the trail as publicly accessible and part of County Regional Parks system. Regional Parks shall supply the signs. Signs shall be installed at the time of completion of the trail.

Operational Conditions:

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

76. The applicant shall provide Regional Parks with a copy of the vegetation management plan for the property as it would relate to the trail easement areas and Lot 11. The trail shall not be used as a "firebreak" if one is required to protect development on the site. Regional Parks is responsible only for maintenance of the trail as a multi-use public trail.

DEPARTMENT OF EMERGENCY SERVICES:

Prior to issuance of any permits (grading, septic, building, etc.) evidence shall be submitted by the applicant and verified by County staff that all of the following conditions have been met.

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

77. Prior to Use Permit implementation a written vegetation management plan for the overall project shall be submitted to the Department of Emergency Services (DES). Specific vegetation management plans for each road, structure, and building envelope shall be submitted to DES prior to building permit issuance. The vegetation management plan shall conform to all necessary requirements of DES, and shall be fully implemented prior to occupancy of any building on the project site. Fuel modification for defensible space is required within a minimum 150 foot radius down slope from every building envelope, as defined by DES. Additional fuel management may be required in areas exceeding 30% slope, and at the heads of canyons or drainages. All other requirements of DES, as described in the letter from DES staff dated December 11, 2001 shall be implemented, along with additional requirements as required during the vegetation management plan preparation and approval process.

Condition Monitoring: The Department of Emergency Services shall review the vegetation management plan and implementation of the plan. The Use Permit shall not be implemented until DES has approved a vegetation management plan and signed-off for occupancy.

78. Access to the site shall meet the standards and requirements for road widths and paving, bridges, culverts, gates, turnouts, grades, turning radius, turnaround and vegetation clearance as specified in the County Fire Code, Commercial Development Guide, Fire Safe Standards, Uniform Fire Code, Uniform Building Code, and Vegetation Management Planning Requirements, as necessary. The access road to the inn shall be constructed to commercial standards, while driveways to individual residences shall comply with fire safe standards and requirements for residential roads.

Condition Monitoring: The Department of Emergency Services shall review the plans to ensure that they meet their requirements. Inspection of roadway installation shall be carried out by DES and Building Inspection staff.

79. The water supply for fire protection shall be developed in accordance with National Fire Protection Association Standards and Sonoma County requirements. Fire sprinkler systems shall be installed in all structures per current regulations.

Condition Monitoring: All permits shall be reviewed for compliance with fire codes.

80. Fire hydrants shall be installed in accordance with the standards in effect at the time of construction of the roadways and other improvements.

Condition Monitoring: The Department of Emergency Services shall review and approve the location and type of fire hydrants prior to issuance of any permits.

81. Non-flammable roofs shall be used on all structures onsite.

Condition Monitoring: The building plans and construction shall be reviewed by the Department of Emergency Services to ensure that the materials used meet this requirement.

Prior to Building Occupancy evidence shall be submitted to the file that the following conditions have been met:

82. Knox locks or boxes to facilitate emergency access shall be installed as required by DES and the Kenwood Fire Department. This equipment may be obtained through the Kenwood Fire Department.

Condition Monitoring: The Building Inspection Staff and Kenwood Fire Department shall approve installation of the Knox locks or boxes prior to occupancy of any buildings on the site.

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

PLANNING:

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

84. This Use Permit is for a 10,000 case per year winery, open to the public with tasting room, retail wine sales, and 20 special events per year with a maximum of 200 persons in attendance. Events will include weddings, meetings, winemaker dinners, and charitable auctions and the like. The winery complex shall not include an events pavilion or separate art gallery but art and sales of wine related items may occur within the tasting room. The winery buildings are described as follows: Winery building for tasting, sales and art gallery; barrel storage (4,300 square feet), fermentation building (3,400 square feet), winery offices (1,800 square feet), storage and mechanical building (800 square feet), and staff & maintenance area (4,450 square feet). In addition a retail store (3,000 square feet maximum) is included in the winery area. (See condition #104 for restrictions). The winery is served by 6 employees and has a 147 space parking lot. The parking lot also includes 12 parking spaces and two spaces for vehicle-plus-trailer parking to serve the public trail.

Special events at the winery facility shall be restricted to:

Weekdays: 7:00 p.m. to 10:00 p.m.

Saturdays: 9:00 a.m. to 3:00 p.m. and 7:00 p.m. to 10:00 p.m. (A maximum of six special events may start before 3:00 p.m. and end after 7:00 p.m., but no event shall conclude between these hours.)

Sundays: 9:00 a.m. to Noon and 7:00 p.m. to 10:00 p.m. Only wine tasting dinners are permitted.

(Note: Special events shall not start before or end after the times stated above.)

85. The use shall be constructed and operated in conformance with the proposal statement prepared by Common Ground Land Planning Services, dated December 2000, with Amendment #1 dated August 15, 2001 and Addendum #2 dated February 2002, and the inn/spa/restaurant site plan included in the project EIR prepared by Nichols Berman Environmental Planning dated May 2003 except as modified by the following conditions.
86. The applicant shall pay all applicable development fees prior to issuance of building permits.
87. The applicant shall pay within five days after approval of this project to the Permit and Resource Management Department a mandatory Notice of Determination filing fee of \$35 for County Clerk processing (check shall be made payable to Sonoma County Clerk and submitted to the Permit and Resource Management Department), and \$850 because an EIR was prepared, for a total of \$885. This fee must be paid or the approval of this project is not valid.

88. Prior to issuance of permits, the applicant shall submit to the Permit and Resource Management Department a deposit of \$1,678 towards the cost of monitoring compliance with conditions and Mitigation Monitoring. PRMD staff will provide an estimate of costs at the time of application for building permits.
89. This "At Cost" entitlement (PCAS # 6314) 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.
90. The applicant shall include these conditions of approval on a separate sheet(s) of blueprint plan sets to be submitted for building, grading and septic permit applications.
91. Prior to building permit issuance or prior to exercising this approval, whichever comes first, the property owner(s) shall execute and record a right-to-farm declaration on a form provided by PRMD. *Impact 5.1-4*
92. A declaration shall be recorded on the property to notify potential future buyers of the Inn or Winery parcels that they will be required to provide employees for the winery with the following notification at the time of hire: *Impact 5.1-4.*

"Please be advised that this facility is located near agricultural operations on agricultural lands. Employees may at times be subject to inconvenience or discomfort arising from these operations, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds, and pesticides. One or more of these inconveniences or discomforts may occur as a result of any properly conducted agricultural operation on agricultural land."

Mitigation Monitoring: The applicant shall provide the project planner with a copy of the recorded declarations and the forms to be provided to employees prior to building permit issuance.

93. The following measures shall be incorporated into development plans prior to issuance of permits to mitigate potential impacts on sensitive natural communities:
 - a. Revise the proposed development plan/tentative map to avoid disturbance to the sensitive natural communities. At minimum this shall include:
 1. Prohibit roadway improvements any closer to Graywood Creek than the edge of the existing road where improvements would be within 50 feet of the top of bank unless it can be demonstrated that making those improvements will result in less impact to native vegetation or substantially less grading of steep and erodible slopes.
 2. Use retaining walls and other methods where feasible to minimize tree removal along Road A through the Graywood Creek corridor.
 3. Prohibit all improvements such as the proposed mound wastewater system inside the boundaries of the proposed Oak Tree Preserves. If underground pipelines are constructed in the Oak Tree Preserve, excavation shall not occur within the dripline of Valley oaks unless the certified arborist determines that the excavation will not significantly impair the health of the tree.
 4. Expand the proposed Oak Tree Preserves to include creation of additional valley oak habitat along the boundary of the site east of the proposed northern preserve and extending to the riparian corridor of Graywood Creek (see Attachment 1). All agricultural activity shall also be prohibited within these preserves, including vineyard planting, dumping of trash or vineyard prunings, and storage of equipment. Any mitigation tree planting within the oak preserve shall be scattered to create an open savanna and shall maintain grassland over at least 25 percent

of the area. Attachment 1 is a conceptual plan for biotic preserves. Final boundaries of expanded preserves will be determined in the field in consultation with the CDFG.

5. Establish a Riparian Preserve over the Graywood Creek corridor, extending 50 feet from the top-of-bank along the length of the main channel (see Attachment 1). This preserve shall function as a natural riparian corridor across the site, within which all structures other than Road A, new creek crossing, and park trail shall be restricted. All agricultural activity shall also be prohibited within this preserve, including vineyard planting, dumping of trash or vineyard prunings, and storage of equipment. Attachment 1 is a conceptual plan for biotic preserves. Final boundaries of expanded preserves shall be determined in the field in consultation with the CDFG.
 6. Identify locations where restoration of natural habitat shall occur along Graywood Creek as part of the revised Vegetation Management Plan for the project. These shall include the existing crossing location of the main channel and road segments where they approach the creek crossing, and the existing off-site road segment that would no longer be used when Road A is constructed where it veers eastward away from the creek channel.
- b. A final Vegetation Management Plan shall be prepared by the applicant's certified arborist in consultation with the botanist as called for in Mitigation Measure 5.6-1(b) and 5.6-1(c). The final Vegetation Management Plan shall be expanded to address protection and management of woodland, forest, riparian, chaparral, wetland, and grassland habitat on the site. Revisions to the Vegetation Management Plan outline prepared by Mc Nair & Associates in 2000 shall incorporate additional provisions to protect and manage the expanded Brodiaea Preserve recommended in Mitigation Measures 5.6-1(a) and 5.6-1(b), the seasonal wetland habitat recommended in Mitigation Measures 5.6-1(a) and 5.6-3(a), the expanded Sonoma Ceanothus Preserve and associated chaparral habitat in Mitigation Measures 5.6-1(a) and 5.6-1(b), the expanded Oak Tree Preserves and their function to maintain valley oak habitat on the site in Mitigation Measure 5.6-2(a), and the Riparian Corridor Preserve along Graywood Creek in Mitigation Measure 5.6-2(a). These shall include use of rustic fencing or other methods and signage to prevent vehicle and pedestrian access into preserves, where necessary.

Monitoring and long-term maintenance will be performed as required by the Mitigation and Vegetation Management Plans through a contractual agreement with a qualified professional, subject to review and approval by PRMD staff. *Impact 5.6-2*

Mitigation Monitoring: The Land Development Plan Checker and project planner shall ensure that the note is included in the Improvement Plans and that all revisions to the limits of grading, lot line and preserve boundaries, roadway and driveway locations, and other modifications shall be incorporated into the Final Map, Grading Plan, and Landscape Plan. The applicant is responsible for preparing the final Vegetation Management Plan which shall be completed prior to filing of the Final Map, and all conditions and recommendations incorporated into the respective plans.

94. To mitigate potential impacts on wetlands and jurisdictional waters, the following measures shall be incorporated into development plans prior to issuance of building permits or Final Map recordation whichever occurs first.
 - a. Revise the proposed Development Plan or tentative map to restrict improvements outside the seasonal wetlands and minimize disturbance to the ephemeral drainages on the site. At minimum this shall include:
 1. Accurately map the ephemeral drainages which cross the inn parcel (Parcel B) and proposed residential lots 5, 6, and 7 using GPS, and adjust the proposed building envelopes, leachfields, and parking on these parcels to provide a minimum 30-foot setback from these drainages. No equipment operation or other disturbance shall occur within this setback zone, except for roadway and driveway crossings.

- b. As recommended in Condition #17, a Stormwater Pollution Prevention Plan shall be prepared and implemented using Best Management Practices to control both construction-related erosion and sedimentation and project-related non-point discharge into waters on the site. The plan shall contain detailed measures to control erosion of exposed soil, provide for revegetation of graded slopes before the start of the first rainy season following grading, address non-point source pollutants to protect wetlands and water quality in the drainages, and specify procedures for monitoring of the effectiveness of the measures. These measures shall be integrated with the provisions to prevent changes in peak flow and runoff volumes that could adversely affect the seasonal wetlands, as recommended in Mitigation Measure 5.3-5.
- c. A bridge or arched culvert shall be used for the Graywood Creek crossing to minimize disturbance to jurisdictional waters in the channel and provide for a natural bed under the structure. The width of the crossing structure shall be kept to a minimum acceptable from a traffic safety standpoint, and construction improvements implemented with caution to minimize disturbance to the channel and loss of vegetation along the creek. Construction shall be performed during the low flow period in the creek, from July through October, and construction debris kept outside of the creek channel through use of silt fencing.
- d. Restrict construction of roadway and driveway improvements within 100 feet of the seasonal wetlands and ephemeral drainages to the summer months after these features contain no surface water to minimize disturbance and the potential for sedimentation.
- e. All necessary permits shall be secured from regulatory agencies as required to allow for modifications to wetlands and stream channels on the site. This may include additional requirements for mitigation as a condition of permit authorization from the Corps, CDFG, and RWQCB. Evidence of permit authorization shall be submitted to the County Permit and Resource Management Department prior to issuance of any grading or building permits by the County to ensure compliance with applicable State and federal regulations. *Impact 5.6-3*

Mitigation Monitoring: The Land Development Plan Checker and project planner shall ensure that the note is included in the Improvement Plans and that all revisions to the limits of grading, lot line and preserve boundaries, roadway and driveway location, and other modifications are incorporated into the Final Map, Grading Plan, and Landscape Plan. Coordination with jurisdictional agencies shall be completed prior to filing of the Final Map, and all conditions incorporated into the respective plans, with evidence of compliance submitted to the County Permit and Resources Management Department prior to issuance of any grading or building permits. Monitoring and long-term maintenance will be performed as required by the Mitigation Plan and the Storm Water Pollution Prevention Plan through contractual agreement with a qualified professional, subject to review and approval by PRMD.

95. The following measures shall be incorporated into development plans to mitigate potential impacts on natural habitat and wildlife movement opportunities:
- a. Revise the proposed development plan to minimize the loss of woodland and forest habitat on the site. At minimum this shall include:
 - 1. Adjust proposed parking and roadway improvements for the winery to avoid additional tree resources, based on a survey of tree trunk locations required as part of the final Vegetation Management Plan called for in Mitigation Measures 5.6-2(b) and 5.6-4(b).
 - 2. Design and construct the network of roads and driveways using the minimum width as approved by the Department of Emergency Services.
 - b. A final Vegetation Management Plan shall be prepared by the applicant's certified arborist in consultation with a qualified professional botanist called for in Mitigation Measure 5.6-2(b) subject to review and approval by PRMD. The final Vegetation Management Plan shall be expanded to address protection and management of woodland, forest, riparian, chaparral, wetland, and

grassland habitat on the site. Revisions to the Vegetation Management Plan outline prepared by McNair and Associates in 2000 and shall include the following:

1. Expand the provisions related to Fire Hazard Management to define tree removal required to meet minimum canopy separation for trees within 150 feet of structures.
 2. Revise the Tree Protection Procedures to include a requirement for a survey of all trees to be preserved within 50 feet of structures and anticipated grading to identify trunk location, diameter, species, and general condition, and to allow for a more accurate process to distinguish trees to be preserved and removed as final plans are developed.
 3. Specify under landscaping provisions that non-native ornamental species used in landscape plants shall be restricted to the immediate vicinity of proposed development, including building envelopes on residential lots, and that non-native, invasive species which may spread into adjacent undeveloped areas shall be prohibited in landscaping plans.
 4. Specify under Noxious Weed Control that unsuitable species be prohibited from use in landscaping on the site and that future maintenance of common areas prevent or control undesirable species on the site. These shall include: blue gum eucalyptus (*Eucalyptus globulus*), acacia (*Acacia* spp.), pampas grass (*Cortaderia selloana*), broom (*Cytisus* spp. and *Genista* spp.), gorse (*Ulex europaeus*), bamboo (*Bambusa* spp.), giant reed (*Arundo donax*), English ivy (*Hedera helix*), German ivy (*Senecio milanioides*), Himalayan blackberry (*Rubus discolor*), cotoneaster (*Cotoneaster pannosus*), fennel (*Foeniculum vulgare*), yellow star thistle (*Centaurea solstitialis*), purple star thistle (*Centaurea calcitrapa*), and periwinkle (*Vinca* sp.).
 5. Specify under site grading that any graded slopes in preserves, along road cuts, and around parking lots shall be re-seeded with a mixture of compatible native and non-native perennial and annual species, including purple needlegrass (*Nassella pulchra*), to increase the diversity of the grassland cover. Highly invasive annuals typically used for erosion control shall not be used.
- c. Revise the Vegetation Management Plan called for in Mitigation Measures 5.6-2(b) and 5.6-4(b) to provide a program addressing the loss of trees. The enhancement program shall incorporate recommendations in Mitigation Measure 5.6-4(a) to avoid tree resources to the greatest extent possible and provide for replacement plants in the Oak Tree Preserves, the Riparian Preserve along Graywood Creek, and on graded slopes where tree planting would not conflict with fire management and grassland habitat management restrictions. A minimum of 500 liner-sized trees shall be planted as part of the planting program. The program shall include provisions for ensuring that they are established, such as watering during the dry season for a minimum of three years after planting. The enhancement program shall also include provisions for long-term management of tree resources on the site, including areas to be designated as preserves or permanent open space to improve the health of forest and woodland cover and reduce the potential for devastating wildfires. The plan shall be incorporated into the development plan for the site.
- d. Measures recommended in Mitigation Measures 5.6-1, 5.6-2, 5.6-3 and 5.6-4(a) through 5.6-4(c) would serve to partially protect important natural habitat on the site for wildlife, avoid the potential loss of raptor nests, provide for preservation of wildlife movement opportunities along Graywood Creek and the upper elevations of the site where it borders Hood Mountain Regional Park, control the loss of woodland/forest habitat, and provide for replacement tree planting. The following additional provisions shall be implemented to further protect wildlife habitat resources, and shall be included in CC&R's or as recorded deed restrictions prior to issuance of permits.

1. Fencing that obstructs wildlife movement shall not be allowed on the winery site. A restriction on exclusionary fencing of any agricultural use on the lower elevations of the site shall be incorporated in consultation with CDFG.
 2. Lighting shall be carefully designed and controlled to prevent unnecessary illumination of natural habitat on the site. Lighting shall be the minimum level necessary to illuminate pathways, parking areas, and other outdoor areas. Lighting shall generally be kept low to the ground, directed downward, and shielded to prevent illumination into adjacent natural areas. Lighting from the winery shall be turned off after employees leave the site at the end of the day or evening, except the minimum necessary for security purposes.
 3. Livestock shall be prohibited on the residential lots and the preserve areas on the site to prevent trampling and removal of groundcover vegetation.
 4. All garbage, recycling, and composting shall be kept in closed containers and latched or locked to prevent wildlife from using the waste as a food source.
- e. Vehicles and motorcycles shall not be allowed to travel off designated roadways to minimize future disturbance to grassland and understory in the undeveloped portions of the site. Methods shall be established to prevent unauthorized vehicle activity during and after construction. *Impact 5.6-4*

Mitigation Monitoring: The Land Development Plan Checker and project planner shall ensure that the note is included in the Improvement Plans and that all revisions to the limits of grading, lot line and preserve boundaries, roadway and driveway locations and other modifications called for in Mitigation Measures are incorporated into the Final Map, Grading Plan, Landscape Plan and CC&R's. Compliance with specific restrictions will be confirmed prior to filing of the Final Map, and during subsequent approvals of Grading Plans, Landscape Plans, and Building Plans. Monitoring and long-term maintenance will be performed as required by the Mitigation Plans and the Vegetation Management Plan.

96. Prior to building permit issuance, the applicant shall develop a long-term funding plan for the maintenance and management of the biotic preserves. This plan shall provide for funding from all land uses on a "fair-share" basis so that fees are collected from the inn/spa/restaurant, winery and Home Owners Association. These agreements shall be recorded and copies provided to the Permit and Resource Management Department.
97. In order to minimize visual impacts of the winery buildings, measures shall be applied to reduce the visual contrast of the winery with the immediately surrounding setting so that the project will not attract attention as seen from State Route 12. Such measures include the use of certain colors on exterior building surfaces and retaining as many trees on the project site as possible as follows:
 - a. Colors used for exterior building surfaces shall match the hue, lightness, and saturation of colors of the immediately surrounding trees subject to review and approval by the Design Review Committee. Several colors matching those of the surrounding trees shall be used in order to minimize uniformity. Roof materials shall be non-glossy, dark in color and sympathetic with colors in the surrounding landscape. All building materials shall be non-reflective and all glass shall be no-glare/non-reflective.
 - b. Landscaping of the winery shall include the planting of trees or other landscaping treatments to provide screening of the 147 vehicle parking lot from State Highway 12.
 - c. Prior to building permit issuance for the winery the grading plan, development plan, landscaping plan, sign plan, elevations, and colors and materials shall receive review and approval of the Sonoma County Design Review Committee. *Impact 5.8-3.*

98. In order to minimize light pollution impacts prior to building permit issuance for the winery facilities an exterior lighting plan shall be submitted to the County Permit and Resource Management Department Design Review Committee for review and approval. The following standards shall apply to the lighting plan:

- All light sources shall be fully shielded from off-site view.
- All lights to be downcast except where it can be proved to not adversely affect other parcels.
- Escape of light to the atmosphere shall be minimized.
- Low intensity, indirect light sources shall be encouraged.
- On-demand lighting systems shall be encouraged.
- Mercury, sodium vapor, and similar intense and bright lights shall not be permitted except where their need is specifically approved and their source of light is restricted.
- Where possible, site lighting fixtures on the ground rather than on poles. *Impact 5.8-4.*

Mitigation Monitoring: The applicant would be responsible for submitting the exterior lighting plans to the County Permit and Resource Management Department for review and approval by the Design Review Committee. Prior to building permit issuance, an exterior lighting plan shall be approved for the inn/spa/restaurant and the winery. Prior to recording the Final Map, standards to be included in the project's CC&Rs for implementation by the Homeowners' Association for exterior lighting plans for residential units shall be approved.

99. Prior permit issuance the applicant shall develop lighting standards for inclusion in the covenants for the winery. These standards shall be in accordance with the standards established for the LZ1 lighting zone as described in the 2005 California Energy Efficiency Building Standards being developed by the California Energy Commission. These are the standards for parks, recreation areas and wildlife preserves. The covenants shall include the following standards in addition to those established for LZ1:

All lamps over 10 watts shall be fully shielded.

Maximum unshielded lamp (bulb) on the project's interior shall be 50 watts

Maximum mounting height of any luminaire (fixture) shall be 20 feet above the finished grade.

Maximum wattage of any lamp bulb shall be 100 watts.

Impact 5.8-4

Mitigation Monitoring: The applicant's lighting engineer shall provide certification to PRMD that the lighting design plan is in conformance with the above standards for the LZ1 lighting zone at the time it is submitted to the Design Review Committee.

Prior to building permit issuance the applicant's lighting engineer shall provide certification to PRMD that the lighting plans submitted with the building permit conform to these standards and that all modifications recommended/required by the Design Review Committee and/or the Plan Check Staff are in conformance with the LZ1 standards.

Prior to building occupancy the applicant's lighting engineer shall perform an inspection and provide certification to PRMD that the lighting installation is in accordance with the approved plans and with the LZ1 standards.

100. The following conditions shall be noted on all grading and construction plans and provided to all contractors and superintendents on the job site regarding the procedures to follow in the event that cultural deposits or human remains are found including contact information for the County Coroner's Office:

(1) Workers involved in ground disturbing activities shall be trained in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area) at a preconstruction conference. Workers shall be instructed in reporting such discoveries and other appropriate protocols to ensure that construction activities avoid or minimize impacts to potentially significant cultural resources.

(2) If cultural deposits are encountered at any location, construction in the vicinity shall be halted and PRMD shall be immediately notified. A qualified archeologist shall be consulted at the applicant/owner's expense. The archeologist shall conduct an independent review of the find, with authorization of and under direction of the County. Prompt evaluations should be made regarding the significance and importance of the find and a course of action acceptable to all concerned parties should be adopted.

If mitigation is required, preservation in place is the preferred manner of mitigating impacts to archaeological sites. This may be accomplished by, but not limited to: a) Planning construction to avoid archeological sites; b) Incorporation of sites within parks, greenspace, or other open space; c) Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site; d) Deeding the site into a permanent conservation easement.

When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information, provided that information is documented in the EIR and the studies are deposited with the California Historical Resources Regional Information Center.

(3) In the event of an accidental discovery or recognition of any human remains, the following steps should be taken as per *State CEQA Guidelines* 15064.5(e): There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until (A) the coroner of the county is contacted to determine that no investigation of the cause of death is required, and (B) the coroner determines whether the remains are Native American. If the remains are Native American the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of (with appropriate dignity) the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

In the event the NAHC is unable to identify a most likely descendent, or the most likely descendent failed to make a recommendation within 24 hours after being notified by the NAHC, or the landowner or his authorized representative rejects the recommendation of the descendent and the mediation by the NAHC fails to provide measures acceptable to the landowner, then the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. *Impact 5.9-1*

Mitigation Monitoring: The Land Development Plan Checker and project planner will review the development/improvement plans to ensure that the notes are included on all plan sheets where grading is shown. A Consulting archaeologist(s) will be retained to monitor initial grading cuts and to evaluate artifacts, determine whether or not discovered resources meet CEQA significance criteria, and, if needed, identify the additional measures required to mitigate impacts on cultural resources. A copy of the contract for the archaeologist's services shall be provided to the project planner prior to the issuance of grading permits and commencement of any earth moving.

The applicant/owner will be responsible for ensuring that contractors engaged in applicant/owner-implemented grading and construction have been properly trained and will provide documentation to the project planner of this training prior to grading permit issuance.

In the event that prehistoric archaeological resources are discovered, local Native American organizations should be consulted and involved in making resource management decisions. All applicable State and local requirements concerning the handling and disposition of archaeological finds will be strictly enforced.

101. An archeologist shall provide a written report to PRMD following initial grading activities. PRMD staff shall verify that an archeologist is available prior to issuance of a grading/building permit.

102. Only natural gas fireplaces shall be allowed in the winery buildings. *Impact 5.10-4.*

Mitigation Monitoring: Prior to building permit issuance, County staff shall confirm that only natural gas fireplaces shall be included in the winery.

Operational conditions:

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

103. The following types of food service are allowed under this permit:

- a. Samples or tastes of pre-prepared food featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
- b. Samples or tastes from cooking demonstrations featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
- c. Appetizers or meals featuring local foods and food products offered in conjunction with charitable events or weddings/special events.
- d. Appetizers or meals featuring local foods and food products offered in conjunction with marketing or promotional activities not open to drop-in guests or noticed to the general public.
- e. Retail sales of pre-prepared food not associated with the activities described in a), b), c), and d) above, provided that the retail sales comply with the following requirements:
 1. Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this permit.
 2. Retail sales of pre-prepared food shall be for on-site consumption only.
 3. No individual menus shall be allowed for retail sales of pre-prepared food. However, a list of available foods may be posted.
 4. No table service shall be allowed for retail sales of pre-prepared food.
 5. No interior seating dedicated solely to consumption of pre-prepared food shall be allowed.
 6. No off-site signs advertising retail sales of pre-prepared food shall be allowed. However, one exterior on-site sign shall be permitted, subject to approval of a Design Review permit.

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

104. The days and hours for special events shall be subject to any restrictions or modifications as set forth by a future winery events coordinator program established by the County or at the County's direction. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program and shall submit an annual request for any special events. *Impact 5.2-8 (b)*

Mitigation Monitoring: Sonoma County is responsible for implementing and managing the winery events coordinator program. The County will be responsible for collecting funds and administering the program to control special event traffic.

105. All grape pomace residue shall be removed from the site or spread in vineyards in remote areas of the property farthest away from neighbors.
106. The "country store" (intended for ancillary retail sales) shall occupy a maximum of 3,000 square feet of building area. This may be a separate building or attached to the main winery building. The store is primarily for the sale of Sonoma County agricultural products such as fruits, vegetables, jams, jellies, cheeses, oils, herbs, and related retail goods. A maximum of 33% of the store's floor area may be devoted to storage and support. A minimum of 90% of the remaining floor area shall be devoted to the sale of agricultural products grown primarily in Sonoma County. Related retail goods may occupy a maximum of 10% of the retail floor area.
107. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the Board of Zoning Adjustments, as determined by the Director. Such changes may require a new or modified Use Permit and full environmental review.
108. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) 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.

DRC 5/31/23

Attachment 2
Public Comments



filed via e-mail

May 30, 2023

Design Review Committee
c/o Hannah Spencer
Permit Sonoma
County of Sonoma

Re: DRH21-0010 Kenwood Ranch Winery--DRC May 31, 2023 Public Meeting

Dear Committee Members,

On April 18, 2023 the Valley of the Moon Alliance (VOTMA) submitted comments on the materials now scheduled to be considered at this May 31, 2023 public meeting. During the intervening period VOTMA has received clarification on the form and function of what VOTMA characterized as "Chimneys" on the three front buildings shown in the design renderings. Based on that information, VOTMA withdraws its comments/questions on that issue.

Other than that withdrawal, VOTMA incorporates by reference its April 18, 2023 comments and questions, and extends them here for purposes of this upcoming hearing.

A. CEQA Standard

Although the "Notice of A Sonoma County Design Review Committee Public Meeting" (Notice) issued May 19, 2023 states clearly that "**The Design Review Committee considers design only**" and that the "Committee's review is limited to the design aspects and compliance with related Conditions of Approval for PLP01-0006," it also notes that the Staff is recommending that the DRC "approve Addendum No. 2 to the 2004 Environmental Impact Report." Addendum No. 2 (AD2) clearly addresses issues that go well beyond "design aspects and compliance with related Conditions of Approval." As acknowledged implicitly in the Notice, the DRC has no jurisdiction or authority to approve AD2. The DRC's proper action would be to refer AD2 to the Planning Commission for its independent consideration of the various updated broad environmental impacts addressed in AD2.

B. Issues and Questions

1. Aesthetic/Visual Issues:

As a reference point for assessing visual issues associated with structures such as the Winery being placed in scenic landscape units, it is useful to refer back to the Board of Supervisors (BOS) comments on this issue as set forth in the Resolution adopting approval of PLP01-0006. In section 3.5 (j) of that Resolution the BOS rejected then-PRMD's position that the County code required structures in scenic landscape units be screened "completely" from public view. Instead the Board found that complete screening is not necessary. The Board found that the appropriate standard is "substantially screened."

The level of expected screening post Glass fire is a work in process. On the one hand many trees since 2004 have been lost through death and/or drought. Many more were lost due to the Glass fire in 2020, and many more will die from that fire in the next years or will be removed in conjunction with the development design for the winery and its landscaped grounds. On the other hand, Kenwood Ranch has shown a sensitivity to replanting trees.

KR has taken the position that on balance over time the growth of the new trees will over time substantially screen the Winery from Highway 12 and its neighbors. But KR visual representations supporting its design review request fails to show the most current conditions at the site. They do not appear to reflect recent tree removal both on the site and in the upslope area to the northeast where the Inn/Spa/Restaurant will be located. VOTMA attaches a photo taken on May 28th which reflects the most recent view from Highway 12 approximating the view KR presents in its visual assessment. KR should present a visual projection updated to 2023

VOTMA again requests that story poles be reposted to reflect the current visual impacts. VOTMA also suggest that the DRC question KR's expert on his assessment of the health of very large oak trees that dominate the foreground of the visual assessment along Highway 12. Those trees are quite old and to an untrained eye look potentially prone to falling. In other previous early photos of the large oaks on the overall project site used by the consultant, much was made of how hollowed out the inner trunks of the large fallen oaks had become. If they fall in the next few years in the storms expected to intensify with climate change, what impact would that have on the visual screening of the Winery?

2. Parking for Inn/Spa/Restaurant Employees at the Winery

The Winery project design shows the required 147 parking spaces. KR has indicated that some of that parking is proposed to be used for employees of the Inn/Spa/Restaurant. The parking for the Inn/Spa/Restaurant, including parking for the employees, is specified in the Conditions of Approval for the Inn/Spa/Restaurant. The effect of transferring parking at the Winery for employees of the Inn/Spa/Restaurant from the spaces designated for their use in those facilities has the effect of increasing the parking for the potential patrons of

the Inn/Spa/Restaurant. The COAs were not drafted with that transfer contemplated. The parking design for the Winery may not be used to avoid the use restrictions implemented to control the capacity usage at the Inn/Spa/Restaurant. Parking at the Winery should have signage restricting use.

3. Wildfire Evacuation Plan and Use of Residential Subdivision Driveway

The wildfire evacuation plan proposed for the Winery and the Inn/Spa/Restaurant is not a Winery Design Review issue. It is an issue that had interrelated traffic, parking, operations, infrastructure, and public impact aspects that span the entire Kenwood Ranch project. The DRC should refer the Kenwood Ranch Wildfire (and other emergencies) Evacuation Plan to the Planning Commission for its review and approval.

As to the plan tendered, VOTMA has a variety of questions relating to the cumulative development in the area, traffic studies underlying the evacuation timing estimates, the projected worst case population to be evacuated, the public impact of the use of the yet to be constructed subdivision road and driveway to handle 40% of the evacuation load, and the feasibility of “early evacuation” at the Inn itself.

At a minimum, the evacuation plan proposal must provide an estimate of the increased evacuation time where the only road ever contemplated for ingress and egress for the Inn/Spa/Restaurant and the Winery--Campagna Lane, remains the only road authorized for evacuation. The residential subdivision driveway Kenwood Ranch now seeks to utilize is less than 300 yards from Campagna Lane, but is outside of the turn lanes zone required by the BOS as a safety measure when the Kenwood Ranch project was approved almost 20 years ago. The residential subdivision roads have not been constructed; nor has the driveway for ingress and egress for the three resident parcels to be served by that driveway. KR should detail the timing of permitting efforts required for that.

Kenwood Ranch should not be allowed to slip this critical winery and Inn/Spa/Restaurant emergency evacuation plan through permitting via a submission to the DRC. The wildfires that Sonoma Valley has experienced since 2017 and the trauma associated are much too important to the public be treated as an afterthought handled by the DRC.

Thank you for the opportunity to submit comments.

Regards,

Roger Peters

Roger Peters
VOTMA Board Member





filed via e-mail

April 18, 2023

Design Review Committee
Permit Sonoma
Sonoma County

Re: DRH21-0010-Kenwood Ranch Winery (KRW)

Dear Committee Members,

In the short period of time the Valley of the Moon Alliance (VOTMA) has had to read and review the lengthy materials released last Thursday, including the draft Addendum #2 (AD2) (Attachment 5 to the Staff Report) to the FEIR certified for PLP01-0006, and the Initial Summary (IS) (Attachments 21-22 to Attachment 5) prepared in support of AD2, VOTMA identified numerous issues and questions raised by those materials that require further study and attention. Pending resolution of those issues and questions, Addendum #2 and the associated I/S should be deemed incomplete. The Design Review Committee should not use its discretion to approve and accept those documents or the Staff's recommendations relating to those documents.

A. CEQA Standard

PS prepared AD2 based on its assessment that while some changes or additions are required to the KRW Project are necessary, none of the conditions set forth in Public Resources Code Section 21166 or Section 15162 the CEQA Guidelines (California Code of Regulations, title 14, Section 15000 et seq.) calling for a subsequent EIR have occurred. VOTMA believes that it is a close question as to whether the circumstances under which the KRW Project is being undertaken have changed substantially since 2004, and in particular the occurrence of two significant wildfires, an extended drought, and an overconcentration of winery events in the Sonoma Valley over the last 20 years, such that a more than an addendum is required prior to further discretionary action by the Design Review Committee. These changed circumstances both involve new significant environmental effects as well as a substantial increase in the severity of previously identified significant

effects. (Section 15162(a)(2))

Independently, VOTMA also believes that over the last 20 years since the initial EIR was certified, we all (collectively) have developed new information of substantial importance relating to wildfire risks in the rural wildland interface in the face of climate change that was not adequately considered and which now is understood to have substantially more severe effects than previously understood. (Section 15162(a)(3). Those are the things that happen when a project is delayed for 20 years, and the County would do well to put some more rigorous timelines in its use permit conditions, rather than “vest” projects into perpetuity.

The Glass fire in October 2020 brought all that to play in an immediate and devastating way in Sonoma Valley, and specifically on the KRV project site, and to an even greater extent on the adjacent up-slope KR Inn/Spa/Restaurant project site. Homes and businesses were incinerated by the Glass fire, traffic in the Valley was crippled, and lives were lost.

As much as VOTMA would like to see the KRW dramatically scaled back so that it was not another risk factor, or victim, or both, of the next wildfire, we realize that the regulatory battle there would be long, and the odds of success short.

So we will focus our comments here on what is before us as an addendum to an EIR that is frankly stale and out of touch with the realities we all face today as residents and inhabitants of this beautiful valley. We appreciate the time, money and effort that the County and KR have devoted to preparing an Initial Study as support for AD2, and see that it is a good faith attempt to wrestle with the issues and challenges the new winery and its surrounding neighbors will confront.

Having said that, VOTMA does take issue with the County’s statement on AD2 at pg 5 that “because the approval at issue is limited to design review, even if there were substantial changes in circumstances or new information of substantial importance...those factors would have to be relevant to impacts resulting from the requested design changes, not the original project approval.” That is hogwash; PRC Section 21166(c) and CEQA GL 15162(a)(3) are not tied to design changes.

Does the County believe that absence of an evacuation plan or wildfire risk analysis in the original EIR, or the absence there of mitigation requirements (or maybe the failure of the County to enforce such requirements as were there) that would have reduced the risk of the absolute devastation that the Glass fire inflicted (and the next fire may duplicate) on the forested area, that had been allow to sit untrimmed and unmanaged for well over a decade, are not valid subjects of the hearing before the DRC? Is not the DRC being asked to approve the environmental effect conclusions of AD2 (and the I/S) as well as the design changes proposed? It is Noticed as such.

B. Issues and Questions

1. Aesthetic/Visual Issues:

a. Chimneys--Why are there chimneys on the three front buildings" Section 1.7.4 indicated only chimneys on the Marketplace and the Commercial Kitchen. Why are any chimneys needed? The appliances are electric and "no natural gas fireplaces will be provided as part of the 2022 Project." (I/S at 1.7.7, pg1-45). Why is wood burning used for cooking (other than BBQ)?

b. Tree Mortality--The aggregate mortality of the trees on the Winery project site seems inconsistent. The "KR Winery Tree Condition Rating" dated 8-02-21 (supplied by PS staff to VOTMA on Monday April 17th) showed 167 trees on the building envelope. Of those, 117 (70%) were classified as in "poor" condition, meaning that they "cannot" be salvaged. Another 43 trees (26%) were classified as in "fair" condition, meaning that they "could possibly" be salvaged. The remainder (4%) were classified as in "moderate" or "good" condition. That was a fairly stark first report.

The "Post-Fire Winery Building Envelope update" dated 1-12-23 (also provided on by PS staff on April 17th, but appearing in another form in one of the many appendices) had the total building envelop trees at 213. Of those, 67 were listed as poor, and 73 were listed as fair, using the same scale, or 65% of the larger number. The chart showed that 74 of the poor or fair trees had been or would be removed.

In the time available VOTMA was unable to locate an assessment of the remaining trees not within the building envelope and on the KR Winery Project 2022 parcel. Apparently 120 trees were planted in 2021, but the location is unclear.

The uncertainty as to existing trees and location of the newly planted trees and the prospect for further tree planting renders the visual profiles of the winery from various spots on Highway 12 uncertain. Looking at the comparison of before and after overhead post Glass Fire (I/S figure 1-4) suggests dramatic burns across the much of the Winery project site. The compositional analysis in Attachment 34 to Attachment 5 (I/S) at pg. 62 of 86 is brutal: "Lot 12-Area A--Winery parcel that suffered severe damage from the Glass Fire with 75% mortality." "Lot 12-Area B-Riparian zone severely damaged. Mature oak, Douglas fir, bay laurel, and Pacific big-leaf maple with high mortality."

In contrast to these direct assessments, the AD2 and the I/S tend to compare the damage to the winery parcel to the Inn/Spa/Restaurant parcel by referencing that the damage to the former was less than the extensive damage to the latter. The reality is that there is and was high mortality to the trees designed to screen the Winery and that damage is a slow rolling truth. Once the trees on the building envelope begin to be removed and as other poor and fair status trees fall or are cut away, there is no assurance that the Winery will not be plainly in view in this corridor.

As much as VOTMA would like to see the depiction of the Winery as shown on Figure 1-12 of the I/S (Att 21 to Att 5, at pg. 36 of 352) as an accurate one, that simply does not seem credible, at least for the next few decades.

VOTMA suggests that KR again story pole the Winery building envelope to give a more accurate rendition of how the entire winery will look from a distance before the DRC renders its decision, and/or that a better series of rendering with age adjust trees (i.e., not mature) inserted to see what the site will look like over the next decade. Of particular interest would be to also provide a more realistic backdrop that shows the tree condition of trees to the north and northeast of the Winery site, together with a view of the Inn/Spa/Restaurant as seen in the background of the depiction of the Winery. The Winery must be seen in the broader context that we will all see as we drive from the upper north part of the valley east toward Sonoma. While VOTMA understand that absolute screening was never promised, the gap created by first the glaringly visible bulk of the Inn/Spa/Restaurant and the Winery needs further attention as a Design and Visual issue.

VOTMA also suggests that the applicant set up a community forum that meets periodically to assess and monitor progress in screening the Winery from view.

2. Traffic Impacts and Parking Issues:

a. *Winery Traffic*--The I/S goes to great lengths to argue why the CEQA process for this discretionary Design Review should not and may not legally require a Vehicle-Miles-Traveled (VMT) study as required for all projects after August 2020. At the same time, the I/S puts forward as evidence on traffic level of service impacts dated and stale studies used for Addendum #1 for the Inn/Spa/Restaurant. The I/S seeks to have it both ways to avoid addressing transportation impacts.

Over the last 5 or 6 years traffic patterns have changed, commute patterns have changed, winery events have changed, new housing has occurred and very large projects (Elnoka, SDC, Hanna) that will affect this stretch of Highway 12 are now in the planning process. The I/S is content to stick with the fact that traffic was and is a significant and unavoidable impact that cannot be mitigated and so the Board of Supervisors' (BOS) past statement of overriding conditions is still the best trump card in the deck.

It may be, but that does not negate the need to update and present a comprehensive assessment of current conditions to provide the proper perspective on benefits vs impacts, so that if and when the BOS sees this matter again, it can make its determination for this phase based on current facts and conditions. The Design Review Committee should not accept AD2 with an incomplete and inadequate traffic assessment.

b. *Mitigation Measure 5.2-8(a)*--Table 1-5 of the I/S presents a summary of the operating days and hours for the various activities. Winery events are shown as daily or on weekends. VOTMA notes that Appendix F of the Appendices to the I/S (Attachment 22 to Attachment 5 (AD2), at pg. F-5) shows as Mitigation Measure 5.2-8(a) the following: *"Until the events coordinator program in Mitigation Measure 5.2-8(b) is established, the project's proposed 30 annual events shall be restricted to weekdays (Monday -Friday during non-peak traffic hours) and/or non-times events such as food and wine pairings on the site. Weddings, banquets, auctions, concerts and other time-specific would only be permitted on Monday-Friday during non-peak traffic hours."*

If applicable, this condition would address VOTMA's winery events concerns. If this mitigation measure was in fact not adopted, VOTMA remains concerned about the impact of winery events during peak traffic hours, and believes that should be addressed in the traffic studies required.

c. *Parking*: The proposed Design for the Winery has almost entirely reconfigured the parking and retains the 147 spaces. The I/S at pg. 1-41 shows the following parking allocations and locations: trailhead--14 spaces; visitor--40, west; staff--69, east; service building--14, east; cold storage building --18, east; retail support--2 spaces.

VOTMA appreciates that for events up to 200 persons 80 spaces would be needed, plus parking for staff. It is not clear why there is a staff demand for 69 spaces, service building 14 and so forth. Those sorts of parking space requirements seem to exceed the expected use as reflected in the winery trip generation estimates set out in Appendix H in Att 22 to Att 5 and in the Wildfire Winery Project Vehicles assessment, showing 31 Winery employees at max occupancy. (Appendix V at pg. 3 in Att 22 to Att 5)

VOTMA raises this issue in part as a reflection of discussions with Tohigh International during the Design Review of the Kenwood Ranch Phase I--the Inn/Spa/Restaurant. There was concern expressed then that parking for staff to serve the Inn/Spa/Restaurant not be located at some other place on the 2004 Project. If the KR Winery functions as Phase II as a stand-alone operation does not require 147 spaces, then the redesign should reflect the lower numbers of spaces actually required, or KR should otherwise provide assurances that those spaces will not be devoted to non-Winery uses (e.g., parking for employees of the Inn/Spa/R.

3. Wildfire Evacuation Issues:

a. *Wildfire Evacuation Timing*: VOTMA appreciates the obvious care and concern that KR has devoted to assessing this important issue. As a whole, the wildfire mitigation and control efforts that are reflected in the Appendices in Att 21 to Att 5 are as comprehensive as VOTMA has seen. The residents of Sonoma Valley who were present during the Tubbs and Glass fires and who had to evacuate over the crowded roads as smoke and flames were approaching have that experience burned into their memory. They should be somewhat comforted by this attention to detail.

Although an oversimplification, in some sense the KR wildfire evacuation strategy is simply to shut down at first warning, leave the 2022 Project early (both Winery and the Inn/Spa/Restaurant, although the latter has not committed to that), and thus avoid the crowds on the roads. (Appendix V at pg. 4 in Att 22) That strategy is not unique and is one VOTMA would guess many or most of those who lived thru the past conflagration will also adopt. If that is the case, the “No Notice” scenario deserve close inspection as the more realistic outcome.

The results here are not encouraging. If VOTMA is reading the Fehr & Peers Study correctly, and assuming that the two driveway egress option is available (see below), it would take 45 minutes for the 2022 Project to entirely clear the driveways on to Highway 12. The total elapsed time to the evacuate the study area would be 150 minutes without the 2022 Winery Project and 165 minutes with the 2022 Winery Project.

That assumes everything goes smoothly. It apparently also does not factor in the extent to which other wineries, whether existing or planned, also might be holding max events at that point. VOTMA has not studied it closely enough to assess whether the Hanna Center project is factored in or how it deals with the SCD Specific Plan as adopted and the Elnoka project as it might be revised by its new multi-family residential unit developer. In truth it is a seemingly precise spitball on the wall.

VOTMA recognizes that the Winery component of that capacity demand is less than that of the Inn/Spa/Restaurant. But the issue here is not whether the Inn/Spa/Restaurant should be contributing to that capacity demand. It is the Winery that is the incremental demand component still seeking discretionary approval of its required permits. To that extent, that extra 15 minutes to clear the area is on the Winery’s back.

VOTMA appreciates that when the 2004 Project was first envisioned sometime late in the last century, the combination of a winery and event center as an adjunct to the Inn/Spa/Restaurant was an attractive combination concept. But viewed today, with an over-concentration of vineyard plus winery integrated facilities in the immediate Sonoma Valley area, the concept of an event center plus a mini custom-crush facility that together with the Inn/Spa/Restaurant will pour 816 persons onto Highway 12 within 30 minutes after a wildfire warning, seems a considerably less compelling concept. That goes directly to the tradeoff between risk and reward that the planning process and the BOS must consider. The “No Notice scenario” is troubling.

b. *Mutual Irrevocable Emergency Easement (MIEE)*--As VOTMA understands it from statements at the KR Winery Dunbar Community meeting last year, the genesis of the plan to enter into a MIEE with the adjacent Graywood Subdivision (GS) came about because the retained consultants on the Wildfire Evac and Control issues expressed concern with the timing required to evacuate the 2022 Project. The 2022 Project was told it needed another road to get out safely. Hey, why not tie into the Graywood Subdivision Road and our problem is solved?

If only everybody could have another back door to push its people out to safety ahead of everyone else trying to get on the clogged two lane evacuation highway.

VOTMA sees this as a matter of equity. Who gets priority at entrance points on Highway 12? As far as VOTMA is aware this extra egress option was not an element of any prior permitting for the 2004 Project or, until now, the 2022 Project. Did any of the traffic studies or any of the mitigation discussions relating to ingress and egress to the 2004 or 2022 Projects propose or contemplate this revision?

This is not simply a matter of mutual sharing of egress. The Graywood Subdivision has a dozen or so residential units. The combined Winery and Inn/Spa/Restaurant has over 800 persons affected. As reflected in the Wildfire Evacuation Timing study there is little that is mutual here. The Project trip assumption for the "With Notice" scenario has 1) a 50/50 split for right turning vehicles over both driveways; 2) 70% of left turning vehicles use the Campagna Lane Driveway and 30% use the GS driveway (competing with Frey Road exit homeowners turning left or right, plus east and west bound drivers as well); and 3) overall 60% of the KR Project vehicles use the Campagna Lane drive and 40% use the GS driveway. Appendix V at pg. 11. No assumptions on driveway use were provided in the "Without Notice" stamped.

As a simple matter of fairness in risk allocation the KR Project (Inn/Spa/Restaurant & Winery) should live or die with the Campagna Lane as its exit option.

It should go without saying that should the dual driveway option under the MIEE be permitted (without conceding that this option could even be allowed without permit modifications for the all the projects), any signage at the intersection of the two roads should be absolutely clear that it is to be used only for emergencies and only for egress.

Thank you for the opportunity to submit comments. I apologize for the lateness of these comments, but given the short amount of time to respond, the mass of the materials made available late Thursday, and the fact that PS did not respond to VOTMA's request that the hearing be rescheduled to allow closer study of the materials, this was the best VOTMA could do.

Regards,

Roger Peters

Roger Peters
VTMA Board Member

From: [Roger Peters](#)
To: [Tennis Wick](#)
Cc: [Susan Gorin](#); g_carr@sbcglobal.net; [Caitlin Cornwall](#); [Scott Orr](#); [Derik Michaelson](#); [Hannah Spencer](#); [Georgia McDaniel](#); twallis@twallislaw.com
Subject: DRH21-0010: Kenwood Ranch Winery--Request for Public Circulation and Rescheduling of DRC Hearing
Date: Friday, April 14, 2023 3:23:31 PM

Director Wick,

Yesterday Permit Sonoma posted the Agenda for the April 19th Design Review Committee (DRC) hearing. The only item scheduled is the Kenwood Ranch Winery (DRH21-0010). For the reasons outlined below, the Valley of the Moon Alliance (VOTMA) requests that the hearing scheduled for next week be taken off calendar, and that the proposed Addendum #2 be circulated for 30 days for public review and comment along with the Initial Study that was included as an Attachment to Addendum #2.

The proposed Kenwood Ranch Winery was approved more than 16 years ago, with two major fires and a significant drought intervening. Addendum #2 is proposed to be considered with less than a week for public review. Such a hyper accelerated review is not warranted given the passage of time here, those severe events, and in view of the very lengthy documentation that has just been released. In its recent operational review PS committed to increased public transparency. It should start here by circulating Addendum #2 for public comment, or at least providing adequate time for interested parties to review and react to the lengthy documentation. The hearing on this matter should be schedule at a time following that review period and the opportunity for the public to comment on Addendum #2 and associated documents..

That the documentation issued yesterday is considerable is hardly contestable. The documents posted for review consisted of the Staff Report and 17 attachments. Included in those attachments as Attachment 5 was proposed Addendum #2 to the Final Environmental Impact Report for the Sonoma Country Inn project (the predecessor name for what is now known as the Kenwood Ranch Inn and Winery). Addendum #2 (Attachment 5) in turn includes 37 attachments. Notably, Attachments 21-23 of Attachment #5 consist of Volumes 1-3 of the Initial Study for the Winery, prepared by ESA. Those volumes, first seeing the light of day yesterday and dated February 2023, consist of 1368 pages. Addendum #2 itself is 43 pages.

In addition, Attachment #26 to Addendum #2 is a "Tree Construction and Fire Impacts Summary" dated January 13, 2023. That Summary in turn references 4 prior reports by the retained Arborist for the project, which were prepared in 2021-23 and appear to assess the direct impacts of the Glass Fire on the project site. VOTMA had previously inquired multiple times of PS staff as to the existence of any such reports and was not told of or given access to those reports. That information is directly relevant to condition compliance for both the Winery and the Inn/Spa/Restaurant, and for assessing evacuation and visual screening issues relevant to the Winery project. The various reports referenced in Attachment 26 are not part of the documents released yesterday and VOTMA specifically requests here that they be made available publicly as quickly as possible.

Thank you for considering this request that 1) the public be given ample time to review the relevant material and submit comments, and 2) the hearing on this matter be rescheduled to occur after that period has passed.

Regards,

Roger Peters

Roger Peters
VOTMA

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-----Original Message-----

From: dormanleadership@gmail.com <dormanleadership@gmail.com>

Sent: Monday, April 17, 2023 1:48 PM

To: DesignReview <DesignReview@sonoma-county.org>

Subject: Kenwood Ranch Winery

EXTERNAL

Given the minimum amount of time provided for a thoughtful and thorough review of addendum number two related to the Kenwood Ranch winery, I respectfully request an extension of time for that public review prior to further consideration by the design review committee.

Timothy Dorman

Managing Partner

Dorman Leadership Group

415 407 1410 ((o/m)

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From: [Edith Perez](#)
To: [Georgia McDaniel](#)
Subject: Permit Sonoma File DRH2110010: fully in favor!
Date: Saturday, April 15, 2023 1:57:56 PM

EXTERNAL

Hello:

This is to share my full support for the approval of the permit application for design modifications of the parcel located at 1180 Campagna Lane in Kenwood (APN 051-260-013. Supervisorial District 1).

I received the informational pages for the public meeting April 19, but as I cannot attend in person wanted to express my full support for speedy approval.

We in Kenwood need new businesses, options of things to do, and tax revenue.

We need the planned Kenwood Ranch Winery to be built and become operational. I hope that you and all members of the County can quickly approve all requested modifications. Delays will just continue to hurt our property values and happiness as residents of Kenwood.

Thanks,

Edith A. Perez, M.D.
1515 Lawndale Rd
Kenwood, CA 95452
Mobile: 1-904-716-4579

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